

City of Portland Subdivision Regulations

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LIST OF AMENDMENTS

<u>Date</u>	<u>Resolution No.</u>	<u>Amendments</u>
12/8/2020	20-06	Amend Article II: Definitions, Subsection 2.3 Words and Terms Defined, amending the definition of Lot, Flag

Article 1: GENERAL PROVISIONS

1.1 TITLE

These regulations shall hereinafter be known and cited as the Subdivision Regulations of Portland, Tennessee or as the Subdivision Regulations.

1.2 AUTHORITY

These Subdivision Regulations are adopted by the Portland Municipal-Regional Planning Commission (hereinafter referred to as "Planning Commission"), pursuant to the authority and powers granted by Sections [13-3-401](#) through [13-3-411](#) and [13-4-301](#) through [13-4-309](#), Tennessee Code Annotated. Having adopted a major street or road plan for the jurisdictional area, and filed a certified copy of the plan with the Sumner County Register of Deeds (hereinafter referred to as "County Register"), as required by Sections [13-3-402](#) and [13-4-302](#), Tennessee Code Annotated, and having held a public hearing as indicated in Subsection [9.3.2 \(Public Hearing\)](#), of these regulations, the Planning Commission has fulfilled the requirements set forth in state law as prerequisites to adoption of these regulations.

1.3 JURISDICTION

These Subdivision Regulations shall apply to all subdivisions, as herein defined, located within Portland, Tennessee, and its extraterritorial Planning Region as established by resolution of the Local Government Planning Advisory Committee. No land shall be subdivided within the jurisdictional area until the subdivider submits the plat required by these regulations, obtains Planning Commission approval of the plat, and files the approved final plat with the county register.

1.4 POLICY AND PURPOSE

It is hereby declared to be the policy of the Planning Commission to consider the subdivision of land and the development of a subdivision plat as subject to control of the adopted land use or community development plan (hereinafter referred to as "land development plan") of the jurisdictional area to ensure orderly, planned, and efficient physical and economic development.

Land to be subdivided shall be of such character that it can be used for building purposes without danger of fire, flood, or other menace.

Land shall not be subdivided until proper provisions have been made for drainage, water, sewerage, other public utilities, and for other required public services. The existing and proposed public improvements shall generally conform to and be properly related to proposals shown in the land development plan.

The regulations herein shall supplement and facilitate enforcement of the provisions and standards contained in the Zoning Ordinance of Portland, Tennessee and the Sumner County Zoning Resolution (hereinafter referred to as "Zoning Ordinance").

These regulations are adopted for the following purposes:

- 1) To promote the public health, safety, and general welfare of the jurisdictional area.
- 2) To guide development of the jurisdictional area in accordance with the land development plan, considering the suitability of nonresidential and public areas and having regard for the most beneficial land use in such areas.

- 3) To provide for adequate light, air, and privacy; to secure safety from fire, flood, and other dangers; and to prevent overcrowding of the land and undue congestion of population.
- 4) To enhance the character and economic stability and encourage the orderly, beneficial development of the jurisdictional area.
- 5) To conserve the value of land, buildings, and improvements throughout the jurisdictional area and to minimize detrimental conflicts among the uses of land and structures.
- 6) To guide public and private policy and action providing for transportation, water, sewerage, schools, recreational areas, and other public requirements and facilities.
- 7) To provide for the most beneficial relationship between the uses of land and buildings and the efficient movement of traffic throughout the jurisdictional area.
- 8) To establish reasonable standards of design and procedures for subdivisions and resubdivisions; to further the orderly layout and use of land; and to insure proper legal descriptions and proper monumenting of land.
- 9) To ensure that public facilities are available and will have sufficient capacity to serve all proposed subdivisions.
- 10) To prevent pollution of air, streams, and ponds; to assure adequacy of drainage facilities; to safeguard the water table; and to preserve the integrity, stability, beauty, and value of land within the jurisdictional area.
- 11) To preserve the natural beauty and topography of the jurisdictional area, and to insure appropriate development with regard to these natural features.
- 12) To provide for open spaces through efficient design and layout of the land.
- 13) To encourage subdivision design which would maximize conservation of all forms of energy.

1.5 INTERPRETATION, CONFLICT, AND SEVERABILITY

1.5.1 Interpretation

These regulations shall be held to be the minimum requirements for promotion of health, safety, and general welfare.

1.5.2 Conflict with Public and Private Provisions

1.5.2.1 Public Provisions

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule, or regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

1.5.2.2 Private Provisions

These regulations are not intended to abrogate any easement, covenant, or other private agreement or restriction; provided, that where these regulations are more restrictive or impose higher standards than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern.

Where any private provision exceeds the standards set forth herein, such regulations shall be considered a private contract between the parties of interest, and, as such, is beyond the jurisdiction of the Planning Commission.

1.5.3 Severability

It is hereby declared to be the intention of the Planning Commission that the several provisions of this ordinance are separable in accordance with the following:

- 1) If any court of competent jurisdiction shall adjudge any provision of this ordinance invalid, such judgment shall not affect any other provision of this ordinance not specifically included in said judgment.
- 2) If any court competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provisions to any other property, building, or structure not specifically included in said judgment.

1.6 SAVING PROVISION

These regulations shall not be construed as abating any action now pending, or by virtue of prior Subdivision Regulations; or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue; or as affecting the liability of any person; or as waiving any right of the governing body under any section or provision existing at the time of adoption of these regulations; or as vacating or annulling any rights obtained by any person by lawful action of the governing body, except as expressly provided otherwise in these regulations.

1.6.1 Previously Approved Subdivisions

1.6.1.1 Unexpired Preliminary Approval

The approval granted on any plat prior to the effective date of these regulations shall remain in force and effect for the time period stipulated by the regulations under which the approval was first granted.

1.6.1.2 Expired Preliminary Approval

In any instance where the period of preliminary approval shall have passed with some portion of the subdivision not having received final approval, and the applicant wishes an extension of the preliminary approval, the Planning Commission may:

- 1) permit the remaining portion of the subdivision to be constructed and to receive approval under provisions set forth in the regulations whereby preliminary approval was originally granted, or
- 2) stipulate that the plat is null and void and that a new plat be presented subject to all laws and provisions of these regulations that are in effect at the time such action is considered.

In making this determination, the Planning Commission shall consider all pertinent facts available to it. The current state and active pursuit of construction and development activities within the subdivision shall be given due consideration in the course of the Planning Commission's deliberation on this question.

1.6.2 Failure to File Approved Plats

All previously approved final plats shall be filed with the county register's office within one (1) year following adoption of these Subdivision Regulations. In the event the owner fails to file a plat within the time period stipulated herein the approval shall become void and no building permit may be issued for any lot located therein until action is taken to reinstate the plat. All final plats approved under these regulations shall be filed with the county register's office within two (2) years following Planning Commission approval.

1.7 RESUBDIVISION OF LAND

1.7.1 Procedures for Resubdivision

If any change in an approved or recorded subdivision plat would affect the layout of any public street, alley, or road (hereinafter referred to as public way) shown on such plat, or area reserved thereon for public use, or any lot line, or if it would affect any map, plan, or plat legally recorded before adoption of any

Subdivision Regulations, such amendment shall be approved by the same procedure, rules, and regulations as for a subdivision.

1.7.2 Subdivision Procedures Where Future Resubdivision Is Foreseen

Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than double the minimum required area for any zoning district in which the lot is located, and the Planning Commission has reason to believe that any such lot(s) will be resubdivided into smaller building sites, the Planning Commission may require that the subdivision and development of such land be designed to allow for the future opening of public ways and the ultimate extension of adjacent public ways or that such lots be restricted from further subdivision through a permanent conservation easement. The Planning Commission may also require that dedications providing for future openings and extension of such public ways be indicated on the plat.

1.8 CONDITIONS

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision are exercises of valid police power delegated by the state to the Planning Commission. The developer has the duty of compliance with reasonable conditions imposed by the Planning Commission for design, dedication, improvement, and restrictive use of the land so as to provide for physical and economical development of the jurisdictional area and for the safety and general welfare of future plot owners in the subdivision and of the community at large.

1.9 VACATION OF PLATS

Any plat or part of any plat shall be vacated via a combination plat which shall follow and meet the requirements of these regulations based on classification as a major or minor subdivision. The vacation of plats shall not be completed by a written instrument unless the resultant property is greater than five (acres) and does not require the abandonment of any easements or rights-of-way.

1.10 SPECIAL EXCEPTIONS

1.10.1 General

If the Planning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations, a special exception from these regulations may be granted; provided, such special exception shall not have the effect of nullifying the general intent and purpose of these regulations and provided, further, that the Planning Commission shall not recommend special exceptions unless it shall make findings based upon written evidence presented to it in each specific case that:

- 1) Granting of the special exception will not be detrimental to the public safety, health, or welfare, or be injurious to other property or improvements in the neighborhood where the property is located;
- 2) Conditions upon which the request for a special exception is based are unique to the property for which the special exception is sought and are not applicable generally to other property;
- 3) Because of the particular physical surroundings, shape, or topographical condition of the specific property involved, a particular hardship (not self-imposed or financial in nature) to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out; and
- 4) The special exception will not in any manner alter provisions of the land development plan, the major thoroughfare plan, or the zoning ordinance.

Where the Planning Commission concludes that the purpose of these regulations may be specifically served to an equal or greater extent by an alternative proposal, condition, or circumstance, it may approve other variations to these regulations.

1.10.2 Procedures

Each and every special exception or modification of these Subdivision Regulations sought by a subdivider shall be specifically applied for by indicating the section number and title, in writing by the subdivider. A separate form provided by the Enforcing Officer shall be utilized to list any and all special exception(s) being requested. This form shall accompany the Preliminary Plat. Any condition shown on the plan, which would require a special exception or modification, shall constitute grounds for disapproval of the plan unless application for modification or special exception is made. In approving any variation from these regulations, the Planning Commission shall state fully in its minutes the grounds for the variation and all of the facts upon which the decision is made. The minutes of the meeting where the action approving the special exception(s) is taken shall reflect the specific nature and content of such special exception(s).

1.10.3 Conditions

In approving variations, the Planning Commission may impose such conditions as in its judgment will secure substantially the objectives, standards, and requirements of the regulations.

1.11 ENFORCEMENT, VIOLATION, AND PENALTIES

1.11.1 General

1.11.1.1 Authority

The enforcement of these regulations and the penalties for violations are provided pursuant to [Title 13, Chapter 3 and Chapter 4](#), Tennessee Code Annotated.

1.11.1.2 Enforcing Officer

It shall be the duty of the Enforcing Officer to enforce these regulations and to bring to the attention of legal counsel any violations or lack of compliance herewith.

1.11.1.3 Recording of Plats

Pursuant to Sections [13-3-402](#) and [13-4-302](#), Tennessee Code Annotated, no subdivision plat, within the jurisdictional area shall be received or recorded by the County Register until the plat has received final approval of the Planning Commission in accordance with these regulations, and such approval has been endorsed in writing on the plat by the Secretary of the Planning Commission in the manner prescribed by Subsection [3.8.10 \(Endorsement of Final Plat\)](#), of these regulations.

1.11.1.4 Use of Unapproved Plats

Pursuant to Sections [13-3-410](#) and [13-4-306](#) Tennessee Code Annotated, no owner or agent of the owner of any land shall convey such land contrary to the provisions stated herein.

1.11.1.5 Public Ways and Utilities

Pursuant to Sections [13-3-406](#) and [13-4-307](#), Tennessee Code Annotated, the governing body shall not nor shall any public authority accept, lay out, open, improve, grade, pave, or light any public way, lay or authorize the laying of water mains or sewers, or construct or authorize the construction of other facilities or utilities in any public way located within the jurisdictional area unless such way shall have been accepted, opened, or otherwise has received the legal status of a public way prior to the attachment of the Planning Commission's jurisdiction, or unless such way corresponds in its location and lines to a way shown on a subdivision plat approved by the Planning Commission or on a public way plat made by the Planning Commission.

1.11.1.6 Building Permits

No building permit shall be issued for construction of any building or structure located on a lot or plat subdivided or sold in violation of any provision of these regulations. Any individual requesting a building

permit for a lot located within an established subdivision shall provide evidence that the plat of subdivision wherein such lot is located has been approved and appropriately recorded.

1.11.1.7 Access to Lots by Public Way or Private Easement

Pursuant to Sections [13-3-411](#) and [13-4-308](#), Tennessee Code Annotated, no building permit shall be issued and no building or structure shall be erected on any lot within the jurisdictional area, unless the public way giving access to the lot whereon the building or structure is proposed to be placed shall have been accepted or opened or shall have otherwise received the legal status of a public way prior to that time or unless such way corresponds in its location and lines with a way shown on a subdivision plan approved by the Planning Commission, or on a street plan made and adopted by the Commission, or unless such lot fronts upon a permanent easement that conforms to all rules, regulations and specifications set forth, herein.

1.11.2 Penalties for Violations

1.11.2.1 Recording of Unapproved Plats

No county register shall receive, file, or record a plat of subdivision within the planning region without approval of the Planning Commission as required in Sections [13-3-402](#) and [13-4-302](#), Tennessee Code Annotated, and any county register so doing shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law. Any County Register, receiving, filing or recording a plat of a subdivision in violation of Subsection [1.11.1.3 \(Recording of Plats\)](#), of these regulations, shall be deemed guilty of a violation of the above cited provision of the Tennessee Code Annotated.

1.11.2.2 Use of Unapproved Plats

Sections [13-3-410](#) and [13-4-306](#), Tennessee Code Annotated, provides that whoever being the owner or agent of the owner of any land transfers, or sells or agrees to sell or negotiates to sell such land by reference to, exhibition of or by other use of a plat of subdivision of such land without having submitted a plat of such subdivision to the Planning Commission and obtained its approval as required before such plat be recorded in the office of the appropriate county register, shall be deemed guilty of a misdemeanor punishable as other misdemeanors as provided by law; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The city through its city attorney may enjoin such transfer or sale or agreement by action of injunction.

1.11.2.3 Illegal Buildings

Any building or structure erected or to be erected in violation of the Subdivision Regulations shall be deemed an unlawful building or structure; and the building official or other official designated by the city may bring action or enjoin such erection or cause it to be vacated or removed as provided in Sections [13-3-411](#) and [13-4-308](#), Tennessee Code Annotated.

1.11.3 Civil Enforcement

1.11.3.1 General

Appropriate actions and proceedings may be taken in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages; to restrain, correct, or abate a violation, or to prevent illegal occupancy of a building, structure, or premise; these remedies shall be in addition to the penalties described in Subsection [1.11.2 \(Penalties for Violations\)](#), of these regulations.

1.11.3.2 Specific Statutory Remedies

- 1) Use of Unapproved Plats

The city, through its attorney or other official designated by the city, may enjoin by action for injunction any transfer of, sale of, or agreement to sell any land in violation of Subsection [1.11.2.2 \(Use of Unapproved Plats\)](#), of these regulations.

2) **Erection of Unlawful Buildings**

Where any building or structure is erected or being erected on any lot in violation of the road or easement frontage requirements of Subsection [1.11.1.7 \(Access to Lots by Public Way or Private Easement\)](#), of these regulations, the building official or the city attorney or other official designated by the city council may bring action to enjoin such erection or cause the building or structure to be vacated or removed.

1.12 REPEAL OF PREVIOUS REGULATIONS

Upon the adoption and effective date of these regulations, the Subdivision Regulations, of Portland, Tennessee, adopted May 12, 2003, as amended, are, hereby, repealed.

1.13 FEES FOR PLAT REVIEW

Any individual who is seeking to subdivide property within the jurisdictional area where these regulations are applicable shall pay such filing and review fees as are required by the city. These fees shall be paid prior to the item being placed on an agenda for consideration by the Planning Commission.

Article 2: DEFINITIONS

2.1 USAGE

- 1) For the purpose of these regulations certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this article.
- 2) Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the plural include the singular; the word "herein" means "in these regulations"; and the word "regulations" means "these regulations".
- 3) A "person" includes a corporation, a partnership, and an unincorporated association of persons, such as a club; "shall" is always mandatory; a "building" or "structure" includes any part thereof; "used" or "occupied", as applies to any land or building, shall be construed to include "intended, arranged, or designed to be used or occupied".

2.2 RULES FOR CONSTRUCTION OF LANGUAGE

In the construction of these Subdivision Regulations, the rules contained in this Appendix shall be observed and applied, except when the context clearly indicates otherwise:

- 1) The particular shall control the general.
- 2) The word "shall" is always mandatory.
- 3) The word "may" is permissive.
- 4) The word "lot" shall include the words "piece" or "parcel".
- 5) The word "structure" includes all other structures, or parts thereof, of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for".
- 6) In the case of any difference of meaning or implication between the text of these Subdivision Regulations and any caption, illustration or table the text shall control.
- 7) Words used in the present tense shall include the future, and words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- 8) Unless the context clearly indicates to the contrary, conjunctions shall be interpreted as follows:
 - a) "And" indicates that all connected items, conditions, provisions or events shall apply.
 - b) "Or" indicates that one or more of the connected items, conditions, provisions, or events shall apply.
 - c) "Either or" indicates that the connected items, conditions, provisions or events shall apply single but not in combination.
 - d) "The greater of" indicated a quantity higher than the one indicated.
- 9) All public officials, bodies, and agencies to which reference is made are those of the appropriate jurisdiction, City of Portland or Sumner County, except for the Enforcing Officer, whom has jurisdiction in both the City and County or unless otherwise indicated.
- 10) The title "City Planner" shall refer to the City of Portland City Planner or an authorized City representative.
- 11) The title "City Engineer" shall refer to the City of Portland City Engineer or an authorized City representative.

2.3 WORDS AND TERMS DEFINED

AASHTO. Abbreviation for "American Association of State Highway and Transportation Officials"

Abutting. Lots that are touching or sharing a common point or line but does not include lots that are across a public way from each other.

Access. The place, means, or way by which pedestrians, bicyclists, and/or vehicles have safe, adequate, and usable ingress and egress to a property or use. A private access is an access not in public ownership or control by means of deed, dedication, or easement.

Active Recreation Uses. Including but not limited to tennis courts, basketball courts, swimming pools, playgrounds, baseball/softball diamonds or volleyball courts.

Adjacent. Lots that are touching or sharing a common point or line including lots that are across a public way from each other.

Alley. A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on different street. A low volume lane intended to provide access to the rear or side of lots or buildings and not intended for the purpose of through vehicular traffic.

Applicant. The owner or optionee of land proposed to be subdivided or his/her authorized representative, also referred to as subdivider or subdivider's agent. See "Subdivider and Subdivider's Agent". Consent shall be required from the legal owner of the premise(s).

ASTM. Abbreviation for "American Society for Testing Materials"

Basic Regulations. The basic subdivision regulations of Portland Planning Region to which this material is attached as an appendix.

Bike Lane. A portion of the street that has been designated by striping, signage, or pavement markings for the preferential or exclusive use of bicyclists.

Block. A tract of land bounded by four (4) intersecting streets.

Block Face. A single boundary of a block described in the definition of a block. A block face is opposing when it is across a public street.

Building. Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind. The term includes any permanent structure including manufactured homes and mobile homes.

Building Envelope. The area formed by the front, side and rear setback lines on a lot within which the principal buildings must be located.

Building Site. Land occupied or intended to be occupied by a building and interrelated buildings, together with all open space required to meet the provisions of any applicable zoning ordinance, which is located on a lot that has been lawfully created and meets all criteria of the local government for the intended use.

Capital Improvements Program. A proposed schedule of future projects, listed in order of construction priority, together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual local government operating expenses, for the purchase, construction, or replacement of the physical assets of the community are included.

Cash Escrow. A deposit of cash with the governing body in lieu of posting a reclamation, performance or maintenance surety.

Common Elements. Any portion of a condominium, townhome, or multi-family dwelling unit which is held in common ownership by owners of condominium units. These elements may be either general common elements or limited common elements, as defined below.

Common Open Space. Any portion of a condominium, townhome, or multi-family dwelling unit site or a subdivision held in joint ownership by property owners or a homeowners' association and intended for the use or enjoyment of the occupants. Common Open Space can include property that is left in a natural state and has primarily scenic value. Land to accommodate required subdivision infrastructure, including green infrastructure such as planting strips, street medians/islands, and drainage fields for individual sewage disposal systems are excluded from common open space calculations.

Complete Application. The completed form or forms and all accompanying documents, maps, exhibits and fees required of an applicant, including all information required by the Submittal Checklist available from the Enforcing Officer.

Comprehensive Plan. The official statement of the Planning Commission which sets forth major policies concerning future development of the jurisdictional area and meeting the provisions set forth in Sections [13-3-301](#) through [13-3-304](#) and [13-4-201](#) through [13-4-203](#), Tennessee Code Annotated.

Conceptual Plan. A plan drawn to scale that shows street, lot, and open space layouts, public dedications, and reservations, if any, and proposed environmental changes to the tract. It includes topographical information, existing site conditions, analysis, and off-site conditions of a minimum of three hundred (300) feet beyond the property boundaries.

Condominium. A form of ownership of less than the whole of a building or system of buildings under the provisions of [Title 66, Chapter 27](#), Tennessee Code Annotated, which provides the mechanics and facilities for formal filing and recording of divided interests in real property, whether the division is vertical or horizontal. Also referred to as a horizontal property regime.

Condominium Subdivision. The subdivision of property through the establishment of a condominium or horizontal property regime. In Condominium Subdivisions the owners own the unit in the building but not the land beneath it, which is held by the Associations.

Condominium Unit. A space conveyed by separate title and located within a condominium structure.

Conservation Easement. The grant of a property right or interest from the property owner to a unit of government or nonprofit conservation organization stipulating that the described land shall remain in its natural, scenic, open or wooded state, precluding future or additional development. The land may contain historic structures and archaeological sites.

Conservation Land. The portion of undeveloped land within a conservation subdivision that has been designated, dedicated, reserved or restricted in perpetuity from further development and is set aside under a conservation easement.

Conservation Land, Primary. Any land considered a critical lot by these regulations.

Conservation Land, Secondary. Any land with the following or similar lands on the site: existing healthy, native forests of a least one (1) acre of contiguous area, prime farmland soils and land in agricultural use, designated historic and specimen trees, other significant natural features and scenic viewsheds, existing and planned trails that connect the tract to neighboring areas, significant historical and cultural sites, known habitat for rare, threatened, or endangered species, and archaeological sites, cemeteries and burial grounds.

Conservation Subdivision. A residential development where at least twenty (20) percent or more of the land area is designated as undivided, permanent open space or farmland, thereby permanently protecting agriculturally, environmentally, culturally or historically significant areas within the tract. The subdivision is characterized by compact lots, common open space, and the preservation and maintenance of natural, historical, and cultural resources. Conservation Subdivisions are an alternative approach to the conventional lot-by-lot division of land in rural areas that spreads development evenly throughout a parcel with little regard to impacts on the natural and cultural features of the area.

Construction Plan. The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with requirements of the Planning Commission.

Contractor. An individual, firm, or corporation with whom an owner or authorized agent has executed a work agreement.

Conventional Subdivision. A lot-by-lot division of land that spreads development evenly throughout a parcel, minimum lot size is determined by underlying zoning

Cottage Subdivision. A subdivision or portion of a subdivision where a small grouping of at least five (5) single-family dwelling units are clustered around a common open space or green. All single-family dwelling units shall front on to the common open space or green and be provided access via an alley or street to the rear.

County Environmentalist. An agent designated to administer local and/or state health regulations.

Critical Lots. Lots designated as critical during the concept plan review process based on soil conditions, degree of slope, flooding, or other lot features that could affect the feasibility of construction.

Deed Restriction. A restriction on the use of a property set forth in the deed.

Design Specifications. Written descriptions of a technical nature of materials, equipment, construction systems, standards, and workmanship required for a project intended for local government ownership or maintenance.

Developer. The owner or contracted purchaser of land proposed to be subdivided or his authorized representative.

Dwelling Unit. A room, or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease on a daily, weekly, monthly, or longer basis; physically separated from any other room(s) or dwelling units which may be in the same structure; and containing independent cooking, restroom, and sleeping facilities.

Easement. Authorization by a property owner for the use by another, for a specified purpose, of any designated part of his property.

Enforcing officer. The Enforcing Officer shall be the duly appointed City Planner for the City of Portland. If that position is vacant, the temporary Enforcing Officer shall be designated by the Chief Executive Officer of the City of Portland. The Enforcing Officer shall be responsible for enforcing provisions of these regulations.

External Subdivision Boundary. All points along the periphery of a subdivision.

Fee Simple. When the structure and land are owned completely, without any limitations or conditions.

Final Subdivision Plat. The final map or drawing and accompanying materials, described in these regulations, on which the subdivider's plan of the subdivision is presented to the Planning Commission for approval and which, if approved by the Commission, is recorded with the County Register of Deeds.

Flood. A temporary rise in stream level that results in inundation of areas not ordinarily covered by water.

Floodway. The stream channel and adjacent overbank areas required to carry and safely discharge the 100-year flood without increasing flood levels more than one (1) foot above natural flood levels.

Flood Frequency. The statistically determined average for how often a specific flood level or discharge may be equaled or exceeded.

Flood Hazard Boundary Map. An official map on which the boundaries of the floodplain areas having special flood hazards have been delineated.

Flood Hazard or Flood Prone Area. The maximum area of the floodplain that, on average, is likely to be flooded once every one hundred (100) years (i.e., that has a one (1%) percent chance of being flooded in any year).

Flood Profile. A graph showing the water surface elevation or height or a particular flood event for any point along the longitudinal course of a stream. The flood profile is determined through the use of standard open-channel hydraulic calculations.

Floodplain. A land area adjoining a river, stream, watercourse, bay, or lake which is likely to be flooded. It is composed of a floodway and floodway fringe.

Floodproofing. Any combination of structural and nonstructural additions, changes, or adjustments to properties and structures which reduce or eliminate potential flood damage to lands; water facilities, sanitary facilities, and other utilities; structures; and contents of buildings; and which prevent pollution of floodwaters from such natural or man-made sources.

Floodway Fringe. The area adjoining a watercourse which, although not lying within a floodway, has been or may hereafter be covered by a 100-year flood.

Frontage. That side of a lot abutting on a street and ordinarily regarded as the front of the lot. The term frontage shall not be used for any portion of a lot along an alley.

Frontage Street. See "Street, Frontage."

Functional Classification System. See "Street, Classification".

Future Land use Plan. The plan adopted by the Planning Commission, pursuant to Sections [13-3-402](#) and [13-4-201](#), Tennessee Code Annotated, showing the desirable use of land in the City and Planning Region, said plan shall serve as a guide for zoning and transportation decisions to meet the community's changing needs. Also see Comprehensive Plan.

General Common Elements. Any of the common elements of a condominium which are held in joint ownership by all owners of the condominium.

Governing Body. The chief legislative body of any government.

Governmental Agency. Any public body other than the governing body.

Governmental Representative. An outside person or designated local official or employee authorized to act on behalf of the governing body in making determinations regarding legal, public works, planning, community development, or other public business.

Grade. The slope of a road, other public facility, or terrain generally specified in percentage terms.

Green. An informal Open Space, available for unstructured recreation. A Green may be spatially defined by landscaping or surrounded by buildings. Green shall be between 5,000 sq. ft. and five (5) acres.

Highway, Limited Access. A freeway or expressway providing a traffic-way for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the traffic-way, except at such points and in such manner as may be determined by the public authority having jurisdiction over such traffic-way.

Homeowners' Association. An incorporated community association responsible for the maintenance and management of commonly owned properties or facilities.

Horizontal Property Act. "The Tennessee Horizontal Property Act", as codified in [Title 66, Chapter 2](#), Tennessee Code Annotated.

Improvements. See "Lot Improvement" or "Public Improvement".

Individual Sewage Disposal System. A septic tank and disposal field, seepage tile sewage disposal system, or any other sewage treatment device other than a public treatment system, that serves an individual lot and is approved by the appropriate governmental representative.

Internal Subdivision Boundary. All points within a subdivision such as lot corners, street lines, etc., which do not constitute external boundaries.

Irrevocable Standby Letter of Credit. A commitment from a financial institution to pay an agreed sum of money to a third party in compliance with the terms of the letter.

Joint Ownership. Joint ownership among persons shall be construed as the same owner for the purpose of imposing Subdivision Regulations.

Land Development Activity. The physical extension and/or construction of urban land uses. Development activities include: subdivision of land; construction or alteration of structures, roads, utilities, and other facilities; installation of septic systems; grading; deposit of refuse, debris, or other fill materials; and clearing of natural vegetative cover (with the exception of agricultural activities).

Land Development Plan. The official statement of the Planning Commission which sets forth major policies concerning future development of the jurisdictional area and meeting the provisions set forth in Sections [13-3-301](#), [13-3-302](#), and [13-4-102](#), Tennessee Code Annotated.

Lands Held in Common. Lands held in common are all lands held by a Homeowners' Association or equivalent and includes: lands designated as Common Open Space and Conservation Lands; land used for the provision of infrastructure common to all subdivisions such as roads, sidewalks, planting strips, stormwater facilities, planted portion of hollow-core turnarounds, closes and eyebrows; and land used for drainage fields for individual sewage disposal systems.

Landscape Buffer. A required yard located at the perimeter of the lot containing landscaping, berms, walls, or fences that shield the use of adjacent properties from those uses occurring on the subject property.

Legal Counsel. The person designated by the governing body to provide legal assistance for the administration of these and other regulations.

Level of Service (LOS). A standard comparing a roadways traffic load to the roadways capacity. The Level of Service range, from LOS A (free flow) to LOS F (forced flow). The factors affecting LOS are numerous but include the lane widths, number of lanes, parking, bus stops, percentage of trucks, types of traffic controls, etc., LOS is determined using the procedures described in the Highway Capacity Manual (HCM) published by the Transportation Research Board.

Limited Common Elements. Any of the common elements of a condominium which are reserved for use by the owner of a particular condominium unit or group of units.

Lot Improvement. Any building, structure, place, work of art, or other object or improvement of the land on which such items are situated constituting a physical betterment of real property, or any part of such betterment.

Lot, Corner. A lot situated at the intersection of two (2) public rights-of-way, the longest dimension of which is to be considered the side.

Lot, Double Frontage. A lot other than a corner lot that has frontage on two or more streets that do not intersect at a point abutting the property.

Lot, Flag. A lot so shaped and designed that the minimum lot width is not met at the front setback from the street on which it fronts and includes an access strip at least fifty (50) feet in width connecting the main building site with the frontage street.

Lot, Through. See "Lot, Double Frontage".

Lot. A tract, plot, or portion of a subdivision or parcel of land intended as a unit for the purpose, whether immediate or future, for transfer of ownership or for creation of a building site.

Major Street. A street that is classified as a collector or arterial street according to these regulations or by the Major Street Plan. See "Street, Arterial," "Street, Collector," and "Major Street Plan".

Major Subdivision. The division of land into more than two (2) lots, or any subdivision that includes any of the following conditions for major subdivision review:

- 1) A subdivision requiring the construction or extension of a public or private street, not including future street alignments illustrated in a plat of re-subdivision,
- 2) Required improvement(s) within an existing street right-of-way; other than:
 - a. a repair or construction of sidewalk(s) or other pedestrian connections required by these any development regulations,
 - b. fire hydrants or other types of minor improvements necessary to serve the lots being created;
- 3) The construction of any public utility, excluding private service lines;
- 4) Earthmoving activities will take place except those incidental to construction of a single-family dwelling on each lot;
- 5) Drainage improvements either new or altered that will be common to more than one lot (other than individual on-lot storm water management systems);
- 6) A future public-school site, park site, greenway corridor open space site shown on the adopted Comprehensive Plan or other adopted plan;
- 7) Dedications, reservations, improvements, or any other factors that, in the opinion of the City, with advice from reviewing agencies, require construction documents to be reviewed prior to final plat approval to ensure the public health, safety and welfare;

- 8) Any subdivision which seeks to gain approval for any waiver or exception to any provision contained in these regulations, Land Use Plan, or Major Thoroughfare Plan; or
- 9) Any subdivision that does not qualify as a minor subdivision.

Major Thoroughfare Plan. The plan adopted by the Planning Commission, pursuant to Sections [13-3-402](#) and [13-4-201](#), Tennessee Code Annotated, showing, among other things, "the general location, character, and extent of public ways... (and) the removal, relocation, extension, widening, narrowing, vacating, abandonment or change of use of existing public ways..." The Major Thoroughfare Plan may be part of any adopted Comprehensive Plan or Other Plan.

Minor Street. A public way that is not classified as an arterial or collector.

Minor Subdivision. Any subdivision containing not more than two (2) lots fronting on an existing street; not involving any new or improved road, the extension of county facilities, or the creation of any public improvements and not containing any flood-prone area, not adversely affecting the remainder of the parcel or adjoining property, not requiring any special exception, and not in conflict with any provision of the adopted Future Land Use Plan, Major Thoroughfare Plan, or these regulations.

Multi-use Path. A form of infrastructure that supports multiple recreation and transportation opportunities, such as walking, bicycling, inline skating and people in wheelchairs.

National Flood Insurance Program. A program established by the U.S. Government in the National Flood Insurance Act of 1968, and expanded in the Flood Disaster Protection Act of 1973, in order to provide flood insurance at rates made affordable through a federal subsidy in local political jurisdictions which adopt and enforce floodplain management programs meeting the requirements of the National Flood Insurance Program Regulations.

Off-Site. Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.

One Hundred (100) Year Flood. A flood having an average frequency of occurrence of once in one hundred (100) years or a 1% likelihood of occurring each year. It is based on statistical analysis of stream flow records available for the watershed and analysis of rainfall and runoff characteristics in the general region of the watershed.

Open Space. Open space includes, but is not limited to, parks, plazas, courtyards, playing fields, trails, greenways, and golf courses. Open space may be public or privately held and may be used for active or passive recreation.

Owner. Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the real property, including contracts to purchase.

Passive Recreation Uses. Including but not limited to walking trails, picnic shelters, gazebos, and similar passive recreation amenities.

Pedestrian Access. Pedestrian accesses are accessways that provide direct and continuous pedestrian passage through blocks. They are designed to provide continuous pedestrian routes by connecting a public street to another public street or a residential area, neighborhood activity center, an industrial or commercial center, a transit facility, a park, a school, open space, or a trail facility.

Perimeter Street. Any existing street to which the parcel of land to be subdivided abuts on only one side.

Planning Commission. A public planning body established pursuant to [Title 13, Chapters 2 or 5, Tennessee Code Annotated](#), to execute a partial or full planning program within authorized area limits. For the purposes of these regulations it shall mean the Portland Municipal-Regional Planning Commission.

Planning Region. All land, lying within the boundaries of the Portland Planning Region as established by the Tennessee State Planning Office.

Plaza. An open space designed for the use of the occupants of a building or group of buildings. Seating and other elements encouraging use and occupation shall be included in its design, and it should form an integral part of the circulation pattern within the overall project. Plaza shall be between 5,000 sq. ft. and 40,000 sq. ft.

Preliminary Plat. The preliminary drawing or drawings, described in these regulations, indicating the proposed manner of layout of the subdivision to be submitted to the Planning Commission for approval.

Premise(s). A tract of land together with any buildings or structures which may be located thereon.

Private Street. See "Street, Private".

Public Improvement. Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local governing body may ultimately assume responsibility for maintenance and operation or which may affect an improvement for which government responsibility is established.

Public Way. Any publicly owned street, alley, sidewalk, or right-of-way which provides for movement of pedestrians or vehicles.

Register of Deeds. The County Register of Deeds for the County of the proposed subdivision.

Registered Architect. An architect certified and registered by the State Board of Architectural and Engineer Examiners pursuant to the Tennessee Code Annotated, to practice in Tennessee.

Registered Engineer. An engineer certified and registered by the State Board of Architectural and Engineer Examiners pursuant to the Tennessee Code Annotated, to practice in Tennessee.

Registered Land Surveyor. A land surveyor certified and registered by the State Board of Land Survey Examiners pursuant to the Tennessee Code Annotated, to practice in Tennessee

Registered Landscape Architect. Landscape architect certified and licensed by the State Board of Landscape Architects pursuant to [Section 62-2-203](#), Tennessee Code Annotated, to practice in Tennessee.

Reserve Strip. A narrow strip of land created with the intent to regulate access to any street. Reserve strips shall be deeded to the City immediately at the recording of the plat at the expense of the subdivider creating the reserve strip.

Resubdivision. A change of any approved or recorded subdivision plat if such change affects any street layout on such map, or any area reserved thereon for public use, or any lot line, or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Right-of-Way. A strip of land occupied or intended to be occupied by public facilities such as streets, crosswalks, railroads, electric transmission lines, oil or gas pipelines, water mains, sanitary or storm sewer lines, or for another similar use. The usage of the term "right-of-way," for land platting

purposes, shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or area of such lots or parcels.

Road. A public thoroughfare within the Sumner County, including a road, highway, drive, lane, avenue, place, boulevard, and any other thoroughfare that affords the public the principal means of access to abutting property. Authority of roads shall be at the discretion of the Sumner County Road Superintendent or other authorized agent of Sumner County.

Road Design (Standard Specifications and Details). See “Street Design”. Authority of roads shall be at the discretion of the Sumner County Road Superintendent or other authorized agent of Sumner County.

Road, Arterial. See “Street, Arterial”. Authority of roads shall be at the discretion of the Sumner County Road Superintendent or other authorized agent of Sumner County.

Road, Classification. See “Street, Classification”. Authority of roads shall be at the discretion of the Sumner County Road Superintendent or other authorized agent of Sumner County.

Road, Close. See “Street, Close”. Authority of roads shall be at the discretion of the Sumner County Road Superintendent or other authorized agent of Sumner County.

Road, Collector. See “Street, Collector”. Authority of roads shall be at the discretion of the Sumner County Road Superintendent or other authorized agent of Sumner County.

Road, Cul-De-Sac. See “Street, Cul-De-Sac”. Authority of roads shall be at the discretion of the Sumner County Road Superintendent or other authorized agent of Sumner County.

Road, Eyebrow. See “Street, Eyebrow”. Authority of roads shall be at the discretion of the Sumner County Road Superintendent or other authorized agent of Sumner County.

Road, Frontage. See “Street, Frontage”. Authority of roads shall be at the discretion of the Sumner County Road Superintendent or other authorized agent of Sumner County.

Road, Local. See “Street, Local”. Authority of roads shall be at the discretion of the Sumner County Road Superintendent or other authorized agent of Sumner County.

Road, Loop. See “Street, Loop”. Authority of roads shall be at the discretion of the Sumner County Road Superintendent or other authorized agent of Sumner County.

Road, Marginal Access. See “Street, Marginal Access”. Authority of roads shall be at the discretion of the Sumner County Road Superintendent or other authorized agent of Sumner County.

Road, Private. See “Street, Private”. Authority of roads shall be at the discretion of the Sumner County Road Superintendent or other authorized agent of Sumner County.

Road, Right-of-Way Width. See “Street, Right-of-Way Width”. Authority of roads shall be at the discretion of the Sumner County Road Superintendent or other authorized agent of Sumner County.

Road, Temporary Dead-End. See “Street, Temporary Cul-De Sac”. Authority of roads shall be at the discretion of the Sumner County Road Superintendent or other authorized agent of Sumner County.

Rural. Any area in unincorporated Sumner or Robertson County.

Sale or Lease. Any immediate or future transfer of ownership, including contract of sale or transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, or other written instrument.

Same Ownership. Ownership by the same person, corporation, firm entity, partnership, or unincorporated association or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

Sanitary Sewer. A system of subterranean conduits that carries liquids or other waste matter to a plant where the sewage is treated, as contrasted with storm drainage systems (that carry surface water) and septic tanks or leech fields (that hold refuse liquid and waste matter on site).

Setback. The distance between a building wall and the nearest public way right-of-way.

Sidewalk. That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.

Special Flood Hazard Map. The official map designated by the Federal Insurance Administrator to identify floodplain areas having special flood hazards.

Square. An open space that typically represent the “heart” of a community or development. Squares are formally arranged, spatially defined by buildings, and located at the intersection of important streets within a community. Square shall be between a half (0.5) acre and three (3) acres.

Standard Specifications. Standard Specifications for Road and Bridge Construction, Tennessee Department of Transportation, Bureau of Highways, Nashville, Tennessee, March 1, 1995, and subsequent revisions and additions. Also see “Street Design”

Street. A public thoroughfare within the City Limits of Portland, including road, highway, drive, lane, avenue, place, boulevard, and any other thoroughfare that affords the public the principal means of access to abutting property.

Street Design (Standard Specifications and Details). The standards for engineering design and construction of roads, highways, streets, alleys, and related structures within a public street right of way or in an easement created to grant public use of a street. Also see “Standard Specifications”

Street Plan, Neighborhood. The pattern and hierarchy of streets that provide structure to a compact, walkable neighborhood. The organic network, curvilinear network, orthogonal grid, and diagonal network are types of neighborhood street plans that provide good connectivity, multiple routes, and efficient low-speed vehicular movement.

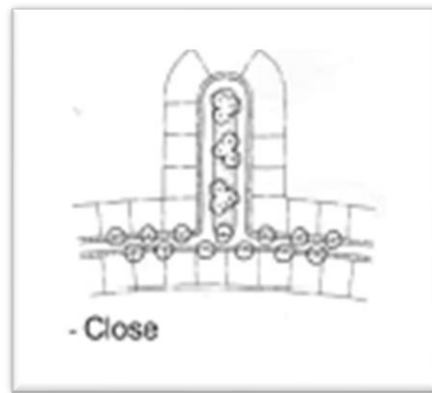
Street, Arterial. Any United States or state numbered route, controlled-access highway, or other major radial or circumferential street or highway designated by a government within their respective jurisdictions as part of a major arterial system of streets or highways. A major public way intended to move traffic to and from major industrial areas or a route for traffic between communities or large areas and which has an average daily traffic count in excess of three thousand (3,000).

Street, Classification. For the purpose of providing for the development of the streets, highways, roads, and rights-of-way in the Planning Region and for their future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks, each existing street, highway, road, and right-of-way and those located on approved and filed plats have been designated on the Major Thoroughfare Plan and classified herein. The classification of each street, highway, road, and right-of-way is based upon its location in the respective zoning districts of the

Planning Region, its present and estimated future traffic volume, and its relative importance and function as specified in the Comprehensive Plan.

Street, Close. A “U” shaped loop street having two open ends, each end generally connecting with the same street. Property fronts on the outside of the “U” but the interior of the “U” is a natural or landscaped open space. The close street is used as an alternative to cul-de-sacs in areas where it is difficult to provide a through street.

Figure 2-1: Close Street

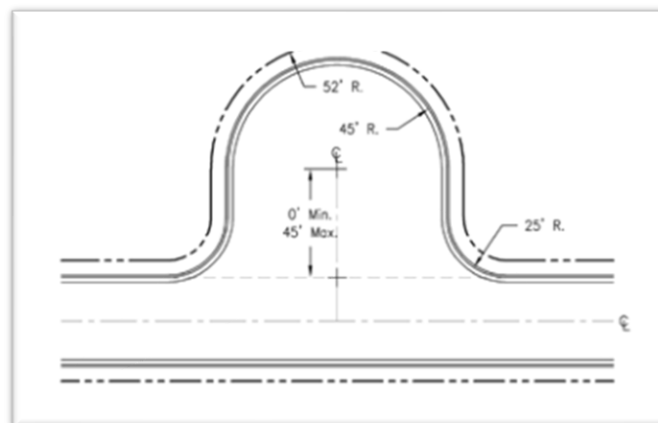


Street, Collector. A street whose principal functions include providing access to abutting properties and collection and distribution of traffic between local streets and the Arterial Street System. A major public way intended to move traffic from local streets to arterial routes. Collector routes serve a neighborhood or large subdivision(s), and normally have an average daily traffic count ranging from one thousand and one (1,001) to three thousand (3,000).

Street, Cul-De-Sac. A minor street having only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement; definition includes: dead-end, turn-around, or turn-about.

Street, Eyebrow or Knuckles. A partial bulb located adjacent to the serving road that provides access to lots and serves as a vehicle turnaround. Eyebrows shall only be allowed when necessitated by topography.

Figure 2-2: Eyebrow or Knuckle Street

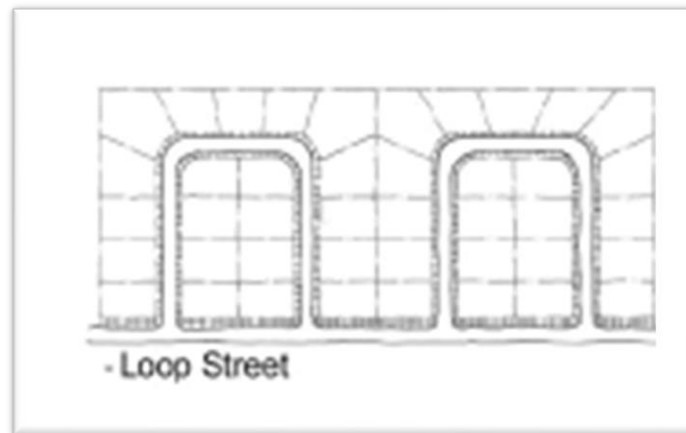


Street, Frontage. A minor street giving access to lots usually running parallel to an arterial or collector street.

Street, Local. A street whose principal function is providing access to individual properties.

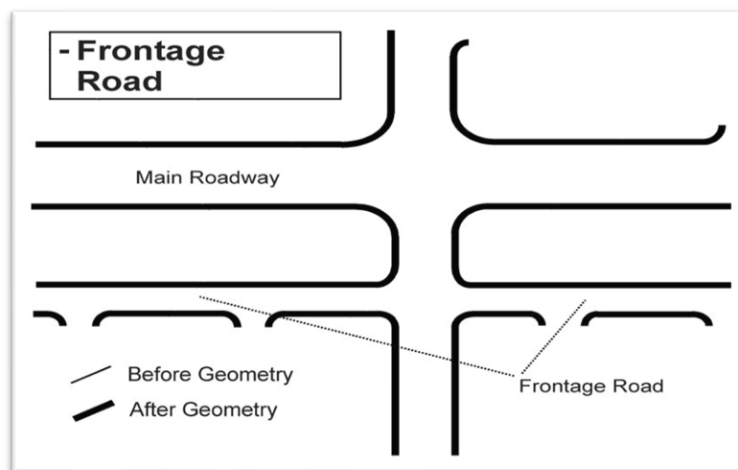
Street, Loop. A local service street that originates from and returns to the same street.

Figure 2-3: Loop Street



Street, Marginal Access. A local street or collector street parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. Also known as a frontage street.

Figure 2-4: Marginal Access Street or Frontage Street



Street, Private. A way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons. A private street is not maintained by the local government.

Street, Right-of-Way Width. The distance between property lines measured at right angles to the centerline of the road.

Street, Temporary Cul-De-Sac. A local or collector, closed-end street that is only acceptable as a temporary street condition. Temporary dead-end streets are similar to cul-de-sacs except that they

provide a temporary turnaround circle at their closed end. Temporary dead-end streets are designed to provide for future connections.

Structure. Anything constructed above or below ground.

Subdivider. Any person who (1) has an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel site, unit, or plot in a subdivision or who (3) engages, directly or indirectly, or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel, site, unit, or plot in a subdivision or who (4) is directly or indirectly controlled by or under direct or indirect common control with any of the foregoing.

Subdivision. "Subdivision" means the division of a tract or parcel of land into two (2) or more lots, sites, or other divisions requiring new street or utility construction, or any division of less than five (5) acres for the purpose, whether immediate or future, of sale or building development, and includes resubdivision and when appropriate to the context, relates to the process of resubdividing or to the land or area subdivided. (See Sections [13-3-401](#) and [13-4-301](#), Tennessee Code Annotated.)

Subdivision Agent. Any person who represents or acts for or on behalf of a subdivider or developer in selling, leasing, or developing or offering to sell, lease, or develop any interest, lot, parcel, unit, site, or plot in a subdivision, except in an instance where only legal counsel is provided.

Subdivision, Major. See "Major Subdivision."

Subdivision, Minor. See "Minor Subdivision."

Substandard Street. A street is deemed substandard by less pavement, right-of-way width, construction technique, or otherwise non-conforming with current Standard Specifications and Details as is required by these regulations for the applicable class of street.

Substantial Completion. The point in time when the Developer has completed all required Public and Private Improvements to the project site and all required Public Improvements off-site relative to the Project in accordance with the approved construction documents and Planning Commission conditions, and such improvements have been inspected, tested and approved by the Enforcing Officer or Appropriate Official.

Surety. An instrument where a sum of money is fixed as a penalty, binding the party(s) to pay the same: conditioned amount, moreover, that the payment of the penalty may be avoided by the performance of certain acts of one or more of the parties involved. As used in these regulations, the term surety may include a variety of financial instruments including letters-of-credit, and escrow accounts. Such surety instruments shall comply with all statutory requirements and shall be satisfactory to legal counsel as to form, sufficiency, and manner of execution, as set forth in these regulations. The period within which required improvements must be completed shall be specified in the resolution approving the final subdivision plat and shall be incorporated in the surety instrument(s).

Surety, Maintenance-warranty. A letter of credit established to assure a "continuing warranty" during a specified time period following completion and dedication of required improvements. The purpose of such surety being an assurance of the "implied warranty" associated with such improvements.

Surety, Performance. A letter of credit established to assure specific performance of the "Development Agreement" established by these regulations. The amount and form of such sureties shall in all regards be sufficient to guarantee to the governing body the specific performance of the

“Development Agreement” including satisfactory construction, installation, and dedication, free and clear of any encumbrances, of the required improvements.

Surety, Reclamation. A letter of credit established for purposes of assuring the ability of the City to secure and stabilize a development site in the event of default by the developer and/or contractor. A Reclamation Surety is intended to prevent soil erosion, uncontrolled drainage or other conditions associated with an abandoned development site from harming either public streets and other facilities or nearby private property.

TDOT. Abbreviation for “Tennessee Department of Transportation.”

Temporary Improvement. Any improvement built and maintained by a subdivider during construction of the subdivision and prior to release of the surety for completion of required improvements.

Urban. Any area within the Corporate Limits of Portland.

Utility Companies. Any person, governmental body, organization or entity of any type, or their agents, representatives and employees, supplying electricity, natural gas, water, communications or similar and associated services to lots within the planning jurisdiction.

Utility Equipment. Includes poles, support towers, wires, conductors, circuits, guys, stubs, platforms, cross arms, braces, transformers, insulators, cut-outs, switches, communication circuits, appliances, attachments and appurtenances used or useful in supplying electricity, natural gas, water, communication or similar associated services to residential areas within the planning region of the City.

Water Surface Elevation. The heights in relation to mean-sea-level expected to be reached by floods of various magnitudes and frequencies at pertinent points in the floodplain. Water surface elevation also refers to the level of natural flows or collectors or water which may be expected to be found above or below surface.

Yard. The area of any lot where building is restricted by the Zoning Ordinance, including front and side yards which shall remain unobstructed by buildings, and rear yard which shall remain unobstructed by the principal building.

Zoning Ordinance or Resolution. A statute, legally adopted pursuant to Title 13, Chapters 4 or 7, Tennessee Code Annotated, for the purpose of regulating by district, land development, or use for a designated area. These documents may be collectively referred to as the Zoning Ordinance.

Article 3: PROCEDURE FOR SUBDIVISION SUBMISSION AND APPROVAL

3.1 PURPOSE AND APPLICABILITY

The provisions of this Article apply to applications for both “Major” and “Minor” subdivisions submitted under authority of these regulations. For the convenience of applicants, the City provides a complimentary Plan Requirements Checklist listing all the documents required to be submitted, at each step of the review process. Copies of this checklist are available at the office of the Enforcing Officer. The checklist also guides review by staff and officials, as they review each application for completeness and conformance with relevant provisions of these regulations.

3.2 DECLARATION OF DEVELOPMENT PREFERENCE

At the time a Conceptual Plan is filed with the Enforcing Officer, as provided in Section [3.5 \(Conceptual Plan\)](#), the applicant shall declare whether the plan shall be reviewed under the requirements of [Article 1](#) through [Article 5](#) of these regulations alone or in combination with [Article 6: Conservation Subdivisions](#), [Article 7: Traditional Neighborhood Design](#), or [Article 8: Townhome Subdivision](#). When opting to use [Article 6](#), [Article 7](#), or [Article 8](#), the regulations and standards of [Article 1](#) through [Article 5](#) and the selected Article shall be applied. The regulations and standards of the Article not selected by the applicant shall not be applied. In case of conflict between [Article 1](#) through [Article 5](#) and the selected Article, the regulation or standard of the selected Article shall apply.

3.3 GENERAL PROCEDURE

The applicant should consult early and informally with the Enforcing Officer and technical staff for advice and assistance before preparation of the Conceptual Plan and Preliminary Plat and its formal application for approval. This will enable the applicant to become familiar with these regulations, the Major Thoroughfare Plan and other official plans or public improvements which might affect the area. Such informal review should prevent unnecessary and costly revisions. Along with any submittal, proof of ownership or a contract for purchase shall be provided.

3.3.1 Plat Approval Requirements

Before any land is subdivided or any contract is executed for the sale of any parcel of land that is proposed to be subdivided and before any permit for the erection of any structure in a proposed subdivision is granted, the owner of the property or a designated attorney-in-fact (hereinafter “applicant”), shall, upon payment of applicable fees, apply for and secure approval of proposed subdivision in accordance with the standards as set forth in these Regulations. If an applicant is a corporation, LLC, or other similar organization, a contact person shall be identified on the application materials.

3.3.2 Classification of Subdivisions

The Enforcing Officer shall determine utilizing the following definitions whether the application is a major subdivision, or a minor subdivision.

3.3.2.1 Major Subdivision

A division of land into more than two (2) lots, or any subdivision that includes any of the following conditions for major subdivision review:

- 1) A subdivision requiring the construction or extension of a public or private street, not including future street alignments illustrated in a plat of re-subdivision,

- 2) Required improvement(s) within an existing street right-of-way; other than:
 - a) a repair or construction of sidewalk(s) or other pedestrian connections required by these any development regulations,
 - b) fire hydrants or other types of minor improvements necessary to serve the lots being created;
- 3) The construction of any public utility, excluding private service lines;
- 4) Earthmoving activities will take place except those incidental to construction of a single-family dwelling on each lot;
- 5) Drainage improvements either new or altered that will be common to more than one lot (other than individual on-lot storm water management systems);
- 6) A future public-school site, park site, greenway corridor open space site shown on the adopted Comprehensive Plan or other adopted plan;
- 7) Dedications, reservations, improvements, or any other factors that, in the opinion of the City, with advice from reviewing agencies, require construction documents to be reviewed prior to final plat approval to ensure the public health, safety and welfare;
- 8) Any subdivision which seeks to gain approval for any waiver or exception to any provision contained in these regulations, Land Use Plan, or Major Thoroughfare Plan; or
- 9) Any subdivision that does not qualify as a minor subdivision.

3.3.2.2 Minor Subdivision

A division of land in which less than three (3) lots are being subdivided, and in which the conditions for major subdivision review, as set out in Subsection [3.3.2.1\(Major Subdivision\)](#), are not present.

3.4 REVIEW PROCEDURE

3.4.1 Preapplication Conference

3.4.1.1 Preapplication Conference Required

Prior to submitting plans for subdivision of property in City of Portland's Planning Region, a developer shall request a pre-application conference with the Enforcing Officer to review the location, scope, and nature of the proposed development; to clarify development issues; and to discuss other matters as may be relevant to the development review and approval process. This preapplication conference shall be attended by City Staff, County staff, as needed, and the developer(s) or their representative. A pre-application conference shall not be required where the Enforcing Officer determines that no purpose will be served by having such a conference.

3.4.1.2 Preapplication Conference Purpose

The purpose of the pre-application conference is to provide an opportunity for an informal exchange of information and ideas between the developer's team and City staff and to identify parties responsible for various tasks involving the development design. The conference is intended to introduce the developer and the team to the City's development process, to identify time-frames for submittal and review, and, if applicable, zoning changes or waivers from these regulations. It is expected that during the pre-application conference topics including, but not limited to, the following may be discussed:

- 1) The possible need for traffic studies, as set forth in these regulations, the Zoning Ordinance, or as determined by the Enforcing Officer.
- 2) The flood insurance program.
- 3) Utility availability and capacity. (Additional forms required by Utility Department.)
- 4) Policies and expectations for street improvements and traffic improvements.
- 5) Items as required by the applicable Stormwater Ordinance or Resolution.

3.4.2 Approval Procedure for Minor Subdivisions

A Minor Subdivision may be reviewed and recorded in accordance with the following procedure:

- Step 1: Preapplication Conference (required).
- Step 2: Filing of Final Plat showing proposal in detail.
- Step 3: Final Plat is reviewed by proper Agencies and Enforcing Officer takes action on Final Plat.
- Step 4: Final Plat is signed by all applicable signatories.
- Step 5: Planning Commission Secretary signs Final Plat.
- Step 6: Final Plat is filed in County Registrar of Deeds Office.

The Enforcing Officer may remand a Minor Subdivision to Planning Commission for dispute resolution, non-compliance with these regulations, or any reason deemed necessary by the Enforcing Officer.

3.4.3 Approval Procedure for Major Subdivision

A Major Subdivision may be reviewed and recorded in accordance with the following procedure:

- Step 1: Preapplication Conference (required).
- Step 2: Conceptual Plan submission and review.
- Step 3: Planning Commission action on Conceptual Plat.
- Step 4: Preliminary Plat submission and review.
- Step 5: Planning Commission action on Preliminary Plat.
 - i. Planning Commission shall also approve stabilization surety, at this time.
- Step 6: Planning Commission Staff and/or proper County Staff and/or Utility District Personnel review and approve construction documents.
- Step 7: Development Agreement is signed by City and Developer.
 - i. Must be signed prior to any construction.
 - ii. Stabilization surety must be provided prior to any construction.
- Step 8: Final Plat submission and review.
- Step 9: Planning Commission action on Final Plat.
 - i. Planning Commission shall also approve maintenance or performance surety, at this time.
- Step 10: Completion of improvements or posting of surety.
- Step 11: Final Plat is signed by all applicable signatories.
- Step 12: Planning Commission Secretary signs final plat.
- Step 13: Final Plat is filed in County Registrar of Deeds Office.

3.4.4 Official Submission Date

The official submittal date for each month will be set by the Planning Commission as a part of their approval of the Planning Commission Calendar for the preceding year. The Planning Commission shall approve a calendar for the preceding year in November of each year.

3.5 CONCEPTUAL PLAN

3.5.1 General

For Major Subdivisions not part of a Planned Unit Development, the Applicant shall submit a Conceptual Plan to the Enforcing Officer for review by reviewing agencies, for feedback and approval. Conceptual Plans shall only go before Planning Commission for approval in two instances:

- 1) The developer wishes to receive a special exception for any portion of these regulations.
- 2) The Enforcing Officer deems it necessary.

The Conceptual Plan requirement may be waived, at the Enforcing Officer's discretion for subdivisions containing five (5) lots or less and require no public improvements, except for developments outside the Corporate Limits (City Limits) of the City of Portland that will leave a remainder greater than five (5) acres. The Conceptual Plan is to be for design purposes and should be used to discover factors which may have an impact on the proposed development and to advise the subdivider of various possibilities before substantial amounts of time have been invested in a very detailed proposal which may contain elements contrary to these regulations. The Conceptual Plan shall include all phases of the entire development under consideration.

3.5.2 Conceptual Plan Preparation

The Conceptual Plan shall be prepared by a Registered Architect; Registered Engineer, engaged in the practice of Civil Engineering, Registered Land Surveyor, or Registered Landscaped Architect.

3.5.3 Conceptual Plan Submission Requirements

The applicant shall submit to the Enforcing Officer, in accordance with the time schedule established by the Planning Commission, the number of paper copies required by the Enforcing Officer and one (1) electronic PDF copy of a Conceptual Plan of the proposed subdivision, along with the payment of all required fees.

3.5.4 Conceptual Plan Requirements

At minimum, Conceptual Plan shall contain the following:

- 1) A scale drawing of the property and the names of the owners of adjoining property;
- 2) Size of the original tract(s) being subdivided;
- 3) Notation of any existing legal rights-of-way or easements or other encumbrances affecting the property;
- 4) Approximate topography of the site extended into adjacent properties, shown at intervals no greater than five (5) feet;
- 5) Identification of any lands that qualifies as a critical lot;
- 6) The location of all watercourses and intermittent streams;
- 7) Soil boundaries as shown on USDA Natural Resources Conservation Service medium-intensity maps
- 8) General road and lot pattern;
- 9) Proposed phasing, if any;
- 10) Location map of the property;
- 11) Name of owner; name of plat designer; and zoning classification.
- 12) Vicinity map of property, date and approximate north point;
- 13) Existing Recourses and Site Analysis as required by Section [3.5.5 \(Existing Resources and Site Analysis\)](#).

The Enforcing Officer shall maintain an application and checklist that is required with all Conceptual Plan submittals. The Enforcing Officer may require items in addition to those listed above, to ensure compliance with applicable ordinances and regulations.

3.5.5 Existing Resources and Site Analysis

For all major subdivisions, an Existing Resources and Site Analysis shall be prepared to provide the developer and the community with a comprehensive analysis of existing conditions, both on the proposed development site and within five hundred (500) feet of the site. Conditions beyond the parcel boundaries may be described on the basis of existing published data available from governmental agencies and from aerial photographs. Unless, otherwise, specified by the Planning Commission, the graphic portion of such

analysis shall generally be prepared at the scale of 1" = 100' or 1" = 200'. The following information shall be included in this document:

- 1) A vertical aerial photograph enlarged to a scale not less detailed than 1" = 400', with the site boundaries clearly marked;
- 2) A contour base map, the contour lines of which shall generally be at five (5) foot intervals. The source of the topographic information shall be noted on the plan. In addition to general topographic information, slopes shall be grouped into three classifications;
 - a) slopes of less than fifteen (< 15) percent;
 - b) slopes between fifteen and twenty-five (15-25) percent; and
 - c) slopes exceeding twenty-five (25 >) percent.
- 3) The location of significant features such as woodlands, tree lines, open fields or meadows, watershed divides and drainage ways, fences and stone walls, rock outcrops, and existing structures;
- 4) The location and delineation of ponds, streams, ditches, drains, and natural drainage swales. The following shall be specifically indicated:
 - a) All naturally occurring watercourses that normally contain flowing water during all times of the year, including streams that may dry up during periods of extended drought. These shall include, but not be limited to, perennial streams identified in the most recent Soil Survey of the County. (Note: Shown as solid lines on Soil Survey Maps)
 - b) Perennial streams identified on United States Geological Survey Maps (U.S.G.S.). (Note: Shown as solid blue lines on USGS Maps)
 - c) All intermittent watercourses otherwise identified in the most recent Soil Survey of the County, or identified on plans submitted by applicants.
 - d) All streams having an established floodplain shall be indicated as well as the location and extent of the floodway and 100-year floodplains along such streams.
 - e) Vernal pools.
- 5) Vegetative cover conditions on the property according to general cover type including cultivated land, permanent grass land, meadow, pasture, old field, hedgerow, woodland and wetland.
- 6) Soil series, types and phases, as mapped by the U.S. Department of Agriculture, Natural Resources Conservation Service in the published soil survey for the county. Where any form of sewage disposal other than public sewer service is proposed the soil information shall be in the form of a "high intensity soil survey" (as defined by the UDSA NRCS).
- 7) Wetlands, as mapped by the U.S. Fish and Wildlife Service, National Wetlands Inventory.
- 8) Ridge line and watershed boundaries shall be identified.
- 9) All existing man-made features including but not limited to streets, driveways, farm roads, woods roads, buildings, foundations, walls, wells, drainage fields, dumps, utilities, fire hydrants, and storm and sanitary sewers.
- 10) Geologic formations on the proposed development parcel, including rock outcroppings, cliffs, sinkholes, and fault lines, based on available published information or more detailed data obtained by the applicant.
- 11) Locations of all historically significant sites or structures on the tract, including but not limited to stone walls, earthworks, and graves.
- 12) All easements and other encumbrances of property that are or have been filed of record with the County Recorder of Deeds shall be shown.
- 13) The identification of any physical features that would classify a lot as a critical lot, per Section [5.12.4 \(Critical Lots\)](#).
- 14) Total acreage of the tract.

3.5.6 Conceptual Plan Expiration

The approval of the conceptual plan shall expire within one (1) year unless a preliminary plat is filed for all or a portion of the land included within the approved conceptual plan. In the event the conceptual plan expires such plan shall become null and void and be of no further effect. The approval of a Conceptual Plan shall convey no vested development rights, and does not constitute a “Development Plan” as defined in State Statute, the Planning Commission may conditionally approve a Conceptual Plan subject to the developer providing additional information and detail related to roads, drainage, and other key infrastructure requirements for the entire development under consideration. . Approval of the conceptual plan shall constitute authorization to prepare and present a preliminary plat and detailed construction drawings, plans and specifications for the proposed development. Such information for the entire development under consideration shall be submitted with the Preliminary Plat application for the development

3.5.7 Reapproval for Expired Conceptual Plan

Any Conceptual Plan that has expired with no further action shall require Planning Commission approval of a new Conceptual Plan. The Conceptual Plan shall meet all requirements in place at the time of the new application

3.5.8 Conceptual Plan Modification

Generally speaking, Conceptual Plans are rough “ideas” or “concepts” of how the property will layout. These plans may vary prior to the approval of a Preliminary Plat. The intent is to create a dialogue between the Enforcing Officer, City Staff, other reviewing agencies, and the developer on the expectation that must be met moving forward. The addition of lots, relocations of streets, or similar modifications, determined by the Enforcing Officer, shall not require the Conceptual Plan to be reapproved.

3.6 PRELIMINARY PLAT

3.6.1 General

The Preliminary Plat is a detailed planning and engineering document developed by appropriately licensed professionals. Such plat will reflect results of design decisions that have been made in the process of adapting the general concepts contained within the Conceptual Plan to the engineering of the site.

3.6.2 Preliminary Plat Preparation

The Preliminary Plat shall be prepared by a Registered Architect; Registered Engineer, engaged in the practice of Civil Engineering, Registered Land Surveyor, or Registered Landscaped Architect.

3.6.3 Preliminary Plan Submission Requirements

The applicant shall submit to the Enforcing Officer, in accordance with the time schedule established by the Planning Commission, the number of paper copies required by the Enforcing Officer and one (1) electronic PDF copy of a Preliminary Plat of the proposed subdivision, drawn to a scale of not less than one (1) inch equals one hundred (100) feet, and any other plans or supporting documents/reports/ studies that may be required by the Planning Commission, along with the payment of all required fees.

3.6.4 Preliminary Plat Certificate

The Certificate below shall be provided on each page of a Preliminary Plat. Said form shall not be signed by the Secretary of Planning Commission until construction plans have been approved by the Enforcing Officer.

This preliminary plat was tentatively approved by the Portland Municipal-Regional Planning Commission, with such exceptions or conditions as indicated in the minutes of the commission on

(date)

This approval shall not become final and no grading or construction shall take place until construction plans containing the information required by Section 3.7 (Construction Plans), of the Subdivision Regulations are approved.

Secretary of Planning Commission

3.6.5 Preliminary Plat Requirements

The Preliminary Plat shall provide the following information:

- 1) The proposed subdivision name and location, the name and address of the owner or owners including the name, address and telephone number of a trustee or contact person, and the name of the design professional and contact information.
- 2) Date of original submittal and each revision thereafter, approximate north point, graphic scale, and location map.
- 3) The location of existing and platted property lines, streets, buildings, water courses, railroads, sewers, bridges, culverts, drain pipes, water mains, gas lines, electric transmission lines, and any public utility easements. Existing features shall be distinguished from those that are proposed.
- 4) The present zoning classification, both of the land to be subdivided and of the adjoining land, and the names of adjoining property owners and/or subdivisions.
- 5) Plans of proposed utility layouts (sewer, water, etc.) showing feasible connections to the existing or any proposed utility systems. When such connections are not considered practical, any proposed individual water supply and/or sewage collection and disposal system must be approved by the Utilities Director and the appropriate State of Tennessee Departments.
- 6) The names, locations, widths and other dimensions of proposed streets, alleys, easements, parks, and other open spaces, reservations, lot lines, building setback lines, and utilities.
- 7) Contours at vertical intervals of not more than two (2) feet.
- 8) The acreage of the land to be subdivided and bearings and dimensions of property boundary.
- 9) Lots labeled in numerical sequence. Lot 1 shall be located in the first section/phase of the proposed development;
- 10) The location, dimension, and area of all proposed or existing lots;
- 11) Location sketch map showing relationship of subdivision site to area.
- 12) Location and elevation of the 100-year floodplain; location of the floodway.
- 13) Identify any critical lot with an asterisk (*).
- 14) Name and location of any cemetery on the property and/or access easements to any offsite cemetery through the property
- 15) Proposed phasing
- 16) The functional classification of all proposed streets along with designation of construction routes
- 17) The distance and bearing of one of the corners of the boundary of the subdivision to the nearest intersection of an existing public street and to the original corner of the original survey of which it is a part
- 18) The Enforcing Officer shall maintain an application and checklist that is required with all Conceptual Plan submittals. The Enforcing Officer may require items in addition to those listed

above, to ensure compliance with applicable ordinances and regulations. The following notes shall also appear:

- a. "Streets shall be built to the road specifications in force at the time of construction."
- b. "Road construction shall not begin without approval of the City of Portland Department of Public Works."
- c. "This property [is not or is] in an area designated as a special flood area, as shown on Community Map _____ Panel Number _____, Effective date _____."
- d. If a stream appears as a blue line on a USGS 7½ minute quadrangle map, the following note shall appear: "No alterations of this (these) stream(s) shown will occur prior to written approval being granted by the appropriate authorities."
- e. Additional notes may be required by the Enforcing Officer to ensure compliance with these regulations or other development regulations.

3.6.6 Preliminary Plat Expiration

The approval of a preliminary plat shall be effective for a period of three (3) years. An approved preliminary plat, with phases, shall remain valid as long as a final plat is approved within the initial three (3) year approval, and another phase of the preliminary plat receives final plat approval at least every two (2) years thereafter.

3.6.7 Reapproval for Expired Preliminary Plat

Any Preliminary Plat that has expired with no further action shall require Planning Commission approval for a new Preliminary Plat. This will also require a new Conceptual Plan approval. Any Preliminary Plat that has been approved in phases and at least one phase has been recorded may be reapproval for an additional three (3) years at the discretion of the Enforcing Officer and Planning Commission. Minor adjustments may be required to comply with these regulations. Preliminary Plats that have been expired for more than one calendar year are ineligible to be reapproved.

3.7 CONSTRUCTION PLANS

3.7.1 General

Construction plans are to be submitted for all major subdivisions. Construction plans shall be submitted concurrently with the Preliminary Plat, and shall be revised to conform to the Preliminary Plat as approved by the Planning Commission. Construction plans shall be designed in accordance with requirements and specifications outlined in these regulations and per the Sumner County Stormwater Management Resolution. The complexity of plans submitted shall be commensurate with the complexity and nature of the development proposed.

The Planning Commission will consider no Final Plats for approval, and no land disturbance permits shall be issued, until the Enforcing Officer has approved a set of Construction Plans and receipt of a Reclamation Security. Following required revisions and final governmental approval of the Construction Plans, a Pre-Construction Conference shall be held between the Applicant and applicable Staff.

3.7.2 Construction Plans Preparation

All Construction Plans shall be prepared and stamped by a Tennessee Licensed Engineer engaged in the practice of civil engineering.

3.7.3 Development Agreement

Drafts of proposed development agreements prepared on forms provided by the City shall accompany all submittals of Construction Plans. The development agreements shall reference the design incorporated within the approved Construction Plans and shall be sufficient in form to assure that the methods and materials meet or exceed minimum standards established by the City. The development agreement shall be sufficient to assure construction of the following:

- 1) All off-site improvements required to serve the development.
- 2) All on-site improvements located within the section of the project contained within the Construction Plans, including improvements that are required to serve future portions of the development not contained within the plans.
- 3) All improvements required to serve the lots shown on the plan and are not constructed and offered for public acceptance prior to or concurrently with submittal of Final Plat Plans covering such lots.

3.7.4 Construction Plans Requirements

All Construction Plans shall, at a minimum, contain the following. Additional requirements are located in the Roadway and Drainage Design Appendix to these Regulations:

- 1) Title and Cover Sheet
 - a. Name of Development;
 - b. Name and Address of Developer(s);
 - c. Name and Address of Engineer and/or Surveyor;
 - d. Professional Engineer's and Surveyor's Stamp and/or Signature;
 - e. Location Map;
 - f. Note area for approval by the Enforcing Officer
 - g. Note with total area to be disturbed during construction.
- 2) Details Sheets
 - a. Headwalls;
 - b. Typical Street Sections;
 - c. Typical Ditch Sections;
 - d. Cross Drain Details;
 - e. Erosion Control Structures;
 - f. Any other structures or construction requirements of special details at the discretion of the Enforcing Officer;
- 3) The Enforcing Officer shall maintain an application and checklist that is required with all Construction Plan submittals. The Enforcing Officer may require items in addition to those listed above, to ensure compliance with applicable local, state, and federal ordinances and/or regulations.

3.7.5 Construction Plans Expiration

The approval of Construction Plans, by the local governing body, shall be effective for a period of three (3) years, that runs concurrent with the Preliminary Plat approval. Approvals from State or Federal agencies shall run in concurrent with those agency's policies.

3.7.6 Reapproval for Expired Construction Plans

Construction Plans shall be reapproved in the same manner and at the same time as the Preliminary Plat.

3.8 FINAL PLAT

3.8.1 General

Final Plat are required for both "Major and Minor Subdivisions", as defined in these regulations.

3.8.2 Final Plat Preparation

The Final Plat shall be prepared by a Registered Land Surveyor, as required by the Tennessee Code Annotated.

3.8.3 Final Plat Requirements

The Final Plat shall provide the following information:

- 1) Statement of purpose for the plat.
- 2) The lines of all streets and roads, alley lines, lot lines, building setback lines, lots numbered in numerical order, reservations, easements, and any areas to be dedicated to public use or sites for other than residential use with notes stating their purpose and any limitations.
- 3) Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line, block line and building line whether curved or straight, and including true north point. This shall include the radius, central angle, and tangent distance for the centerline of curved streets and curved property lines that are not the boundary of curved streets.
- 4) All dimensions to the nearest one hundredth (100th) of a foot and angles to the nearest minute.
- 5) Locations and descriptions of monuments, pins, etc.
- 6) Location of existing and proposed fire hydrants.
- 7) Square Footage of all proposed parcels on the plat.
- 8) The names and locations of adjoining subdivisions and streets and the location and ownership of adjoining un-subdivided property.
- 9) Date, title, name and location of subdivision, graphic scale, and true north point.
- 10) Location sketch map showing site in relation to surrounding area.
- 11) Certification as required in [Section 3.8.4 \(Final Plat Certificates\)](#).
- 12) Total acreage of entire development, acreage of this phase and road frontage of any remaining acreage to be developed.
- 13) The length of any proposed utilities for the subdivision phase.
- 14) Location of the 100-year floodplain; location of the floodway; descriptions of monuments to locate floodplain/floodway boundary;
- 15) Size and location of culverts; location and description of proposed erosion controls.
- 16) Location, description, and elevation of benchmark(s) within the subdivision.
- 17) A plat note stating the recording information of the articles of incorporation, bylaws and declaration of covenants and restrictions of the homeowner's association if required.
- 18) Critical Lots, as identified within these Regulations.
- 19) The following notes shall appear:
 - a. "Streets will be built to the road specifications in force at the time of construction."
 - b. "Road construction shall not begin without approval of the City of Portland Department of Public Works."
 - c. "This property [is not or is] in an area designated as a special flood area, as shown on Community Map _____ Panel Number _____, Effective date _____."
 - d. If a stream appears as a blue line on a USGS 7½ minute quadrangle map, the following note shall appear: "No alteration of this (these) stream(s) shown will occur prior to written approval being granted by the appropriate authorities."
 - e. "Drainage easements outside dedicated right-of-way's are not the responsibility of Sumner County or the City of Portland."
 - f. Additional notes may be required by the Enforcing Officer to ensure compliance with these regulations or other development regulations.

The Enforcing Officer shall maintain an application and checklist that is required with all Final Plat submittals. The Enforcing Officer may require items in addition to those listed above, to ensure compliance with applicable ordinances and regulations.

3.8.4 Final Plat Certificates

The notations and certifications required by Section [3.8.4.1 \(Certificates Required Within City Limits\)](#) or Section [3.8.4.2 \(Certificated Required Within Planning Region\)](#) of these regulations, to appear upon the Final Plat shall be endorsed by appropriate officials and other persons prior to Final Plat approval except that the Certificate of Approval of Recording shall be signed on the Final Plat has received approval as required by these regulations and stipulated by the Planning Commission.

3.8.4.1 Certificates Required Within City Limits

The following Certificates shall be required and endorsed on all Final Plats within the Corporate Limits of the City of Portland and approved by the Planning Commission. Only the Certificate for the Water Utility serving the subdivision shall be shown on the final plat. The Specific text required for each Certificate is available in [Appendix A: Certificates Required on Plats](#).

- 1) Certificate of Ownership and Dedication
- 2) Certificate of Accuracy
- 3) Certificate of Property Numbers and Street Names
- 4) Certificate of the Approval of Public Streets (City of Portland)
- 5) Certificate of Sewer System
- 6) Certificate of Stormwater System (City of Portland)
- 7) Certificate of the Approval of Water System (Portland Utility Department)¹
- 8) Certificate of the Approval of Water System (Whitehouse Utility District)²
- 9) Certificate for Approval of Recording

3.8.4.2 Certificated Required Within Planning Region

The following Certificates shall be required and endorsed on all Final Plats within the Portland Planning Region but outside Corporate Limits of the City of Portland and approved by the Planning Commission. Only the Certificate for the Water Utility serving the subdivision shall be shown on the final plat. The Specific text required for each Certificate is available in [Appendix A: Certificates Required on Plats](#).

- 1) Certificate of Ownership and Dedication
- 2) Certificate of Accuracy
- 3) Certificate of Property Numbers and Street Names
- 4) Certificate of the Approval of Public Roads (Sumner County)
- 5) Certificate of General Approval for Installation of Sub-Surface Sewage Disposal with Restrictions
- 6) Certificate of Adequacy of Storm Drainage for Major Subdivisions (Sumner County)
- 7) Certificate of the Approval of Water System (Portland Utility Department)³
- 8) Certificate of the Approval of Water System (Whitehouse Utility District)⁴
- 9) Certificate for Approval of Recording

3.8.5 Final Open Space Ownership and Management Plan

Within any development where jointly held land or facilities are proposed, documents creating a Final Open Space and Management Plan shall be an integral element of the Final Subdivision Plan. A final open space

¹ Certificate for Approval of Water System shall be based on which utility district the project is located.

² Certificate for Approval of Water System shall be based on which utility district the project is located.

³ Certificate for Approval of Water System shall be based on which utility district the project is located.

⁴ Certificate for Approval of Water System shall be based on which utility district the project is located.

ownership and management plan is required if the Final Plat contains jointly held open space, recreational facilities, or any portion of the site that is held in common ownership. Such plan shall be accompanied, by the documentation required by Subsection [5.15.4.2 \(Open Space Maintenance Plan\)](#) for approval by the Planning Commission.

3.8.6 Final Community Association Documents

In any instance where a condominium or homeowners' association is to be created, final drafts of condominium or homeowners' association documents shall accompany the Final Plat. The condominium or homeowners' association documents shall be executed and/or recorded prior to receiving the signature of the Secretary of the Planning Commission.

3.8.7 Formal Irrevocable Offers of Dedication

Approval of the Final Plat by the Planning Commission shall not constitute the acceptance by the public of the dedication of any drainage, utilities, streets or other public way or ground. Where improvements are to be dedicated the Final Plat Plan shall be accompanied by formal irrevocable offers of dedication to the public of all public ways and uses, utilities, parks, and easements, in a form approved by legal counsel, as applicable. Irrevocable Offers of Dedication shall follow the process as required by Section [4.7 \(Acceptance of Dedication Offers\)](#) of these regulations. The City shall not accept an offer of dedication for any drainage, roadways, or utilities until top coat has been installed on the street. A maintenance surety shall be held for one (1) year after acceptance of dedication.

The form for offer of irrevocable dedication shall be made available at the Office of the Enforcing Officer. The form for offer of irrevocable dedication shall be accompanied by a legal description of any drainage, utilities, streets or other public way or ground being dedicated.

3.8.8 Final Plat Expiration

The final plat shall be recorded with the appropriate Register of Deeds office within two (2) years of approval by the Planning Commission or it becomes void. Where the Planning Commission has required the installation of improvements prior to the signing of the final plat, the Planning Commission shall not modify unreasonably the conditions set forth in the resolution of final approval.

3.8.9 Reapproval for Expired Final Plat

Any expired Final Plat shall be reapproved by the Planning Commission. If more than three (3) years has passed since the approval of the Preliminary Plat the Preliminary Plat shall also be considered expired.

3.8.10 Endorsement of Final Plat

The Secretary of the Planning Commission shall not endorse a plat until it has received approval from the Planning Commission, as required by Section [3.4 \(Review Procedure\)](#). The final plat shall be endorsed by all other appropriate officials prior to receiving the endorsement of the Secretary of the Planning Commission. Only one Final Plat shall be endorsed by the Secretary of the Planning Commission, copies shall be obtained from the Register after recording of the Final Plat.

3.9 GENERAL CONDITIONS

3.9.1 Site Alterations

No clearing, grading or construction of streets shall begin until construction plans, prepared in accordance with the specifications required herein, are approved, reclamation or performance surety posted and a grading permit issued by the Enforcing Officer or appropriate Governmental Agency. Following approval of such plans and accompanying development agreement, streets shall be graded and improved to conform to the approved construction plans.

During the subdivision review process no site disturbance shall take place, such as road construction or grading, except that which is directly related to obtaining any required approvals (e.g., surveying, test pits and the location of stakes), that would alter, remove or relocate any existing features including, but not limited to, stone walls, steep slopes, rock outcroppings, trees, general vegetation, streams or water courses.

3.9.2 Concurrent Review by Other Agencies

When approvals by other agencies of government are required such approvals may be achieved concurrently with the review processes required by these regulations. The Enforcing Officer shall require letters from other agencies which choose not to participate in a concurrent review, said letters must be provide prior to approval by the Planning Commission for major subdivisions or Enforcing Officer for minor subdivisions.

3.10 REQUIREMENTS FOR IMPROVEMENTS

3.10.1 Basic Requirement

The Planning Commission may require that all improvements be installed and dedicated prior to the signing of the final plat by the Secretary of the Planning Commission. If the Planning Commission does not require that all public improvements be installed and dedicated prior to signing of such plan, adequate performance bonds must be approved. The amount of any bond shall be established by the Enforcing Officer based upon recommendations of the Development Review Committee. The Enforcing Officer shall require the applicant to indicate on the final plat all streets and public improvements to be dedicated or reserved; and any other special requirements deemed necessary by the Enforcing Officer in order for the subdivision plat to conform to the Major Street Plan, the City Development Plan and the most recent, detailed plan(s) adopted by the Planning Commission.

3.10.2 Authorization to Construct Improvements

Construction may proceed following approval of a Development Plan by the Planning Commission and, when improvements are to be constructed as a result of such approval, approval of Construction Plans and accompanying Development Agreement as required by Section [4.1 \(The Development Agreement\)](#).

3.10.3 Construction of Improvements

Construction shall be completed to the approved Construction Plans, construction specifications, and construction inspection requirements of the applicable departments and agencies. Inspections during the construction process shall meet the requirements of Subsection [3.10.4 \(Construction Inspection Procedures\)](#).

3.10.4 Construction Inspection Procedures

3.10.4.1 Inspections During Construction

All infrastructure construction is to be completed as described in the approved Construction Plans, construction specifications, and Development Agreement.

3.10.4.2 Pre-Construction Conference Required

A pre-construction conference will be held with the Enforcing Officer prior to the start of construction on each project. At the pre-construction conference, the contractor and owner shall sign documentation acknowledging construction and inspection requirements.

3.10.4.3 Inspection Schedule

The contractor shall give twenty-four (24) hours notification to the applicable departments or agencies prior to beginning work on each phase of construction. All completed work shall be inspected and approved. Failure to obtain the required inspections and approvals may require work to be removed, certifications and

testing by a licensed geotechnical engineering firm to be provided or any future acceptance by the applicable department or agency to be jeopardized.

3.10.5 Modification of Improvement Design

If at any time before or during construction of the required improvements it is demonstrated to the satisfaction of the Enforcing Officer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Enforcing Officer may authorize modifications, provided these modifications are within the spirit and intent of the Planning Commission's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Planning Commission. The Enforcing Officer shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Planning Commission at the next regular meeting. No change shall be implemented and no construction associated therewith shall be initiated until revised Construction Plans have been submitted to the office of the Enforcing Officer and approved so as to reflect the proposed change.

3.10.6 Proper Installation of Improvements

If the Enforcing Officer shall find, upon inspection of improvements performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the subdivider, the Enforcing Officer shall so report to the Planning Commission. The Commission shall then notify the subdivider and, if necessary, the bonding company, and take all steps necessary to preserve the City's rights under the bond. No plat shall be approved by the Planning Commission as long as the subdivider is in default on a previously approved plan.

3.10.7 "As Built" Drawings Required

Required improvements shall not be considered to be completed until installation of the improvements has been approved by the Enforcing Officer and a drawing satisfactory to the Planning Commission has been submitted, indicating the actual location of all required improvements and monuments marking all underground utilities as actually installed. If the subdivider completes all required improvements, then said map shall be submitted prior to endorsement of the Final Plat Plan by the Secretary of the Planning Commission. However, if the subdivider elects to provide a bond, or other surety satisfactory to the Planning Commission, for all required improvements as specified, such surety shall not be released until such map is submitted.

3.10.8 Completion and Maintenance of Improvements

3.10.8.1 Streets Designated as Construction Routes

Streets to be utilized as construction routes shall be designated within all "major subdivisions", as the term is defined in these regulations. Where possible, these construction routes shall coincide with the network of collector and arterial routes designated upon the Major Thoroughfare Plan or other Transportation Plan and within the plan of development for the particular subdivision. Where this is not possible, efforts shall be made to minimize direct contact between designated construction routes and streets classified as a "Local Street". Permanent streets designated as construction routes within a subdivision shall be maintained for a time period specified in the Dedication Agreement submitted in accordance with the offer for street dedication.

3.10.8.2 Other Streets

Streets other than those designated as construction routes shall be maintained as provided herein. Generally, the final paving course shall not be applied until seventy-five (75) percent of the houses fronting along a street are completed. However, when an undue hardship is created by disallowing the final paving of a street prior to construction of seventy-five (75) percent, but not less than fifty (50) percent, of the houses fronting along a street, the Enforcing Officer may permit final paving to occur and the City may allow the

subsequent release of the performance bond provided a maintenance bond is substituted, therefor. The maintenance bond may be released after a period of one (1) year or when at least seventy-five (75) percent of the houses fronting along a street have been satisfactorily completed, inspected and released by the inspecting departments. The maintenance bond shall be in an amount and for a term as recommended by the City and shall be posted in conformance with the procedures presented in [Article 3: Procedure for Subdivision Submission and Approval](#), of these regulations.

3.11 PLAT AMENDMENTS

The Enforcing Officer may sign approve and sign plat amendments in the following instances:

1. Soils Area Amendments for Subsurface Sewage Disposable System (Septic)
2. Easements

In no case shall the Amendment void and vacate the previously approved and recorded plat but may supersede previously recorded soils areas and easements. Soils Areas and Easements shall be graphically represented on the plat amendment and labeled as “abandoned soils area” or “abandoned easement” unless it is deemed not feasible to do so by the Enforcing Officer. If a graphic representation is not feasible the Enforcing Officer shall require a note stating the soils area or easement on the previously approved plat is superseded by this amendment. No amendment shall be approved by the Enforcing Officer that moves a previously recorded lot line or other element not specifically mentioned above.

It shall be at the sole discretion of the Enforcing Officer to require an amendment be upgraded to a minor plat. Plat amendments shall be invalid if not endorsed by the Secretary of the Planning Commission.

Article 4: ASSURANCES FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

4.1 THE DEVELOPMENT AGREEMENT

A completed Development Agreement shall have been prepared and executed prior to initiation of any land development activity within any major subdivision to which these regulations are applicable. A draft development agreement shall be prepared following approval of the Construction Plans. The draft agreement shall reference the design incorporated within the approved Construction Plans and shall be sufficient in form to assure that proposed construction methods and materials meet or exceed minimum established standards. The draft development agreement and an estimate of the amount of surety (as prepared by the Enforcing Officer) shall be sent to the applicant for approval. Development activity may begin upon acceptance of the development agreement by the applicant and acceptance of the required surety by the Planning Commission.

4.2 TYPES OF SURETIES

4.2.1 Reclamation Surety

In no event shall any land development activity be initiated within any subdivision unless and until a development agreement as required by Subsection [4.1 \(The Development Agreement\)](#), has been executed and either a reclamation surety or performance surety has been established. Where land is being subdivided but no public improvements are being installed or such improvements are to be installed prior to approval of any final plat a reclamation bond shall be required. Where public improvements are involved and final plat(s) are proposed to be recorded prior to completion of such improvements the performance surety required for such improvements shall include funds for reclamation. In all instances, such reclamation bond shall be sufficient to ensure that funds are available to stabilize a development site so as to prevent damage to public property or nearby private property in the event the developer does not complete the work.

4.2.2 Performance Surety

A performance surety may be used as the means of providing surety for improvements required under the various provisions of these Regulations. In no instance shall any performance surety be accepted as a guarantee unless a Development Agreement required by the provisions of Section [4.1 \(The Development Agreement\)](#), accompanies such surety. Such agreement shall detail the specific nature and estimated cost of all improvements. All performance sureties shall provide a location within Sumner County or a county adjoining Sumner County where such surety (sureties) may be drawn upon. All performance sureties shall be drafted so that the only requirement for the City to draw upon such surety is to notify the financial institution (grantor) that:

"We have incurred liability by reason of the failure of the applicant/developer/ owner to complete the construction of their project _____

_____ [insert name of subdivision and plans] in accordance with the definitive subdivision plans and development agreement and the rules and regulations governing the subdivision of land within Portland, Tennessee." The amount drawn, which may be more than required to complete the project, will be held in a segregated bank account until the work can be bid competitively and the bid awarded and paid for or until the contract for the work is, otherwise, let and the work paid for. Any excess over the cost of completing the work will be returned to the grantor."

4.2.3 Maintenance Surety

The applicant shall be required to maintain all improvements for one (1) year after acceptance by the governing authority. Additionally, the applicant shall be required to file a maintenance/warranty surety with the governing body prior to dedication. This surety is established for purposes of assuring the quality of the materials and construction of such facilities. Such sureties shall be in an amount considered adequate by the Enforcing Officer to assure satisfactory condition of the required improvements. In no event, will this surety be set below an amount equal to fifteen (15) percent of the estimated original cost of such improvements.

4.3 SURETIES AND RECORDING OF FINAL PLAT

4.3.1 Construction Prior to Recording Final Plat

When the developer desires to proceed with construction of a portion or all of the required improvements prior to recording the Final Plat, a development agreement conforming with the terms of these regulations shall be executed and a reclamation surety shall be provided in an amount determined by the Enforcing Officer to be sufficient to reclaim the property should the developer not complete the required improvements. Such reclamation is to include filling trenches, closing off streets, performing drainage work, re-seeding and other actions necessary to make the property safe and to remedy any nuisance, such as stagnating water or soil erosion, the property may be causing to surrounding property owners or the public in general.

After completion of a portion of the required improvements, the developer may elect to replace the reclamation surety with a performance surety as specified in Section [4.5 \(Completion of Improvements\)](#), to guarantee completion of the remaining required improvements. Under such terms, the approved Final Plat may be signed and recorded thereby allowing the sale of lots and issuance of building permits.

4.3.2 Recording of Final Plat Prior to Construction

When the applicant wishes to record a Final Plat prior to completion of required improvements, the applicant shall provide a performance surety conforming to Section [4.4 \(Surety Standards and Requirements\)](#), guaranteeing installation of such improvements. The amount and form of such surety shall in all regards be sufficient to guarantee to the governing body or other agency ultimately responsible for acceptance of the facilities satisfactory construction, installation, and dedication, free and clear of any encumbrances, of the incomplete portion of required improvements.

4.4 SURETY STANDARDS AND REQUIREMENTS

4.4.1 General

In order to ensure that the work will be completed in accordance with approved plans and specifications, all improvements proposed in conjunction with any subdivision must be covered by adequate surety unless such work is to be totally completed prior to the filing of any Final Plat for any portion of the development site. When the work is to be completed prior to filing of a Final Plat, a reclamation surety sufficient to ensure that the building site may be stabilized in the event of the failure of the applicant to complete the work shall be provided.

4.4.2 Amount of Surety

The applicant shall post good and sufficient surety with the Planning Commission in the amount of one hundred twenty-five (125) percent of the Enforcing Officer's estimate of cost to assure completion of the work. A good and sufficient surety shall include the types of surety specified in Subsection [4.4.3 \(Types of Surety\)](#). Each surety shall be accompanied by a "Development Agreement", as found in Section [4.1 \(The](#)

[Development Agreement](#)), whereby the applicant agrees to make and install the improvements in accordance with the approved plans and specifications.

4.4.3 Types of Surety

Subject to the standards and requirements of this Article and acceptance by the Planning Commission, the following types of sureties may be accepted for purposes of guaranteeing completion of improvements required by the regulations:

- 1) Irrevocable Standby Letter of Credit.
- 2) Cash Escrow

4.4.3.1 Irrevocable Standby Letters of Credit

An irrevocable standby letter of credit may be utilized as the means of providing surety for improvements required under the various provisions of these Regulations. Any letter of credit shall be drafted so as to represent an obligation of the financial institution to the City and not an obligation to the permittee. All Letters of Credit, and each provision thereof, shall be governed and construed in accordance with the Uniform Customs and Practice for Documentary Credits (1983 Revision and subsequent revisions), International Chamber of Commerce, Publication 400 and Sections [47-5-101](#) through [47-5-118](#), Tennessee Code Annotated. Such letters shall be held for one (1) year and shall be automatically renewable for successive one (1) year periods without any effort on the part of the City. They shall be renewed until released by the City. However, said letters may be revoked after giving the City written notice with ninety (90) days opportunity to cash the letter. Such notice shall be by certified mail, return receipt requested.

4.4.3.2 Escrow Deposits for Improvements

- 1) Acceptance of Escrow Funds
The term “Cash Escrow” as used in these regulations refers to cash or other near cash (i.e., certificates of deposit) guarantees, all funds shall be maintained in accounts that are beyond the reach of the developer and subject to an escrow agreement.
- 2) Procedures on Escrow Fund
All escrows shall be held by the City, kept in its bank accounts, and totally under control of the City. A detailed “Escrow Agreement” shall be prepared and appropriately endorsed by all parties to such agreement at the time of creation of any escrow account.

4.5 COMPLETION OF IMPROVEMENTS

Generally, the final paving course shall not be applied until seventy-five (75) percent of the houses in the subdivision, or phase thereof, fronting along a street are completed. Where maintenance, safety or an unforeseen problem is created by the absence of the final paving course, paving may be allowed of a street prior to construction of seventy-five (75) percent, but not less than fifty (50) percent, of the houses fronting along a street. The City may permit final paving to occur and the Enforcing Officer may allow subsequent reduction of the performance surety to an amount sufficient to guarantee maintenance of the streets as specified below. The Enforcing Officer may permit the maintenance surety to be renewed if additional time is needed to complete further build-out of the subdivision. The Enforcing Officer may require that the final paving course be applied one (1) year or longer after the date of the issuance of the first Use and Occupancy Permit in said subdivision or phase thereof regardless of the number of houses built. Under no circumstances shall final paving occur until all utility installations, including service lines to individual lots, are complete.

4.5.1 Failure to Complete Improvements

In those cases where development agreements have been established, surety instruments have been posted and required improvements have not been installed within the terms of such agreements, the Enforcing

Officer, thereupon, may declare the surety to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the surety is declared to be in default. If the improvements are not completed within the time period specified, including any extension thereof, no additional building permits shall be issued for any lot or portion of such property until such facilities are completed to the satisfaction of the governing body.

4.5.2 Inspection of Improvements

The City may provide for inspection of required improvements during construction. If the appropriate governmental representative finds upon inspection that any of the required improvements have not been constructed in accordance with the accepting body's construction standards and specifications, the applicant shall be responsible for completing such improvements to the required standards. The fact that the City inspects the facilities in no way relieves the developer from designing or installing such facilities in accordance with the provisions of these regulations and the established development agreement.

4.6 RELEASE OR REDUCTION OF RECLAMATION OR PERFORMANCE SURETY

4.6.1 Certificate of Satisfactory Completion

Prior to release of any performance surety the engineer in charge of construction of such improvements shall be required to certify that such improvements have been installed in accordance with provisions of these regulations, the completed development agreement and the approved Construction Plans and specifications. Upon receipt of such certification and "as-built drawings" required by Section [3.10.7 \("As Built" Drawings Required\)](#), the governing body may accept the dedicated improvements in accordance with the procedures set forth in Section [4.7 \(Acceptance of Dedication Offers\)](#), of these regulations.

4.6.2 Reduction of Performance Sureties

The surety instruments guaranteeing installation of improvements may be reduced upon completion, dedication and acceptance of such improvements and then the surety may only be reduced by the total cost to complete the public improvement. In no event shall a performance surety be reduced below fifteen (15) percent of the principal amount prior to final acceptance of all items covered under such instrument.

4.7 ACCEPTANCE OF DEDICATION OFFERS

Acceptance of offers of dedication of improvements for public maintenance shall be by action of the governing body. Such action shall be in the form of a resolution recommended by the Planning Commission to the accepting body. Approval by the Planning Commission of a subdivision plat shall not be deemed to constitute or imply an acceptance by the local government or other agency ultimately responsible for acceptance of the facilities of any public way, easement, or other ground shown on the plan. The Planning Commission may require the plat to be endorsed with appropriate notes to this effect. Maintenance Sureties shall be held for one (1) year after acceptance of the street or utility.

4.8 DEFERRAL OR WAIVER OF REQUIRED IMPROVEMENTS

The Planning Commission may defer or waive required improvements at the time of Final Plat approval, subject to appropriate conditions, the provision of any or all such improvements as, in its judgment, are not requisite in the interest of the public health, safety, and general welfare, or which are inappropriate, because of inadequacy or lack of connecting facilities. Whenever it is deemed necessary by the Planning Commission to defer construction of any improvement required herein because of incompatible grades, future planning, inadequate or lack of connecting facilities, or other reasons, the developer shall pay their share of the costs of the future improvements to the governing body prior to signing of the Final Plat.

4.9 ISSUANCE OF BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

Where development agreements and surety instruments have been required for a subdivision, or any section of a subdivision, and are determined to be in default, no building permit or certificate of occupancy shall be issued for any building in the subdivision or any affected section thereof prior to completion and dedication of the improvements to the appropriate governmental body, as required in the Planning Commission resolution of approval. The extent of public way improvements shall be adequate for vehicular access by the prospective occupant and by police and fire equipment prior to the issuance of a building permit.

Every subdivision developer shall be required to grade and improve streets and alleys, install sanitary sewers, stormwater systems, fire hydrants, and water mains in accordance with specifications established by the city. The adopted requirements, whether in federal, state, or local regulations or in the following standards, shall govern.

4.9.1 General Requirements

- 1) No building permit shall be issued until utility construction is underway, all roadway grading is complete, and the initial lift of the stone base is in place per the approved construction plans.
- 2) No building permits shall be issued until a gravel driveway to the proposed home measuring at least 50 feet by 10 feet or to the front of the structure, whichever is greater, is in place.
- 3) No Certificate of Occupancy will be issued until the As-Built plans for all utilities have been approved and the utility system accepted by the City of Portland.
- 4) Roadway binder must be laid by the time 25% of the building permits have been pulled or one (1) year from start of construction, whichever comes first. Failure to comply will result in the City of Portland drawing on the Letter of Credit to complete the binder stage of construction.
- 5) No final topping shall be installed before 75% of lots are developed. Final topping will be in place within six (6) months of 75% of lots being developed or at the discretion of the Enforcing Officer or authorized agent. Written approval from the Enforcing Officer or authorized agent is required prior to topping.
- 6) A reduction of the required Letter of Credit, not to exceed 50% for the public utilities, will be considered once utilities are installed and with approval of the Enforcing Officer or authorized agent. Once As-Built plans are received and public utilities are accepted by the Utilities Board, the Enforcing Officer or authorized agent will issue an acceptance letter and start the required one (1) year warranty period. In this letter, it will state a reduced Letter of Credit amount, which will be equal to 15% of the initial Letter of Credit or initial estimated utility construction cost.
- 7) A reduction of the required Letter of Credit in an amount of 125% for work remaining related to the roadways, grading, drainage and lighting may be considered. The developer will provide an acceptable cost estimate for the remaining work for concurrence with the Enforcing Officer or authorized agent once binder is in place.
- 8) Once public improvements are complete, release of the Letter of Credit is subject to a one-year maintenance Letter of Credit being posted for fifteen percent (15%) of the initial Letter of Credit or initial estimated roadway construction cost.
- 9) No building permit shall be issued for the final ten (10%) percent of lots in a subdivision, or if ten (10%) percent is less than two (2) lots, for the final two (2) lots of a subdivision, until all public improvements required by the Planning Commission's resolution of Final Plat approval have been fully completed, dedicated, and accepted by the governing body.

Article 5: GENERAL REQUIREMENTS AND DESIGN STANDARDS

5.1 GENERAL REQUIREMENTS

5.1.1 Adequate Public Facilities

No Preliminary Plat shall be approved unless the Planning Commission determines that public facilities will be adequate to support and service the area of the proposed subdivision. The applicant shall at the request of the Planning Commission, demonstrate the expected impact on and use of public facilities by possible uses of said subdivision. Public facilities and services to be examined for adequacy will include roads and public transportation facilities, sewage, and water service.

5.1.1.1 Guidelines

Periodically the Governing Body will establish by resolution, after a public hearing, guidelines for the determination of the adequacy of public facilities and services. To provide the basis for the guidelines, the Planning Commission must prepare an analysis of current growth and the amount of additional growth that can be accommodated by future public facilities and services. The Planning Commission must also recommend, to the Enforcing Officer, any changes in preliminary plat approval criteria it finds appropriate in the light of its experience in administering these regulations.

The applicant for a preliminary plat must, at the request of the Planning Commission, submit sufficient information and data on the proposed subdivision to demonstrate the expected impact on and use of public facilities and services by possible uses of said subdivision.

5.1.1.2 Comprehensive Plan Consistency Required

Proposed public improvements shall conform to and be properly related to the Local Government's comprehensive plan and all applicable capital improvements plans.

5.1.1.3 Domestic Water

All habitable buildings and building lots shall be connected to a public water system capable of providing water for health and emergency purpose, including adequate fire protection for properties in the Corporate Limits of Portland.

5.1.1.4 Sanitary Sewer

All habitable buildings and building lots, within the Corporate Limits of Portland, shall be served by Sanitary Sewer. No lot smaller than 40,000 square feet shall be served by a subsurface sewer disposable system.

5.1.1.5 Stormwater Management

Drainage improvements shall accommodate potential runoff for the entire upstream drainage area and shall be designed to prevent increases in downstream flooding. The Local Governments may require the use of control methods such as retention or detention, and/or the construction of offsite drainage improvements to mitigate the impacts of the proposed developments.

5.1.1.6 Streets

Proposed streets shall provide a safe, convenient, and functional system for vehicular, pedestrian, and bicycle circulation; shall be properly related to the comprehensive plan or other adopted plans; and shall be appropriate for the particular traffic characteristics of each proposed development.

5.1.1.7 Extensions Policies

All public improvements and required easements shall be extended through the parcel on which new development is proposed. Streets, water lines, wastewater systems, drainage facilities, electric line, and telecommunications lines shall be constructed through new developments to promote logical extension of public infrastructure. The Local Government may require the applicant of a subdivision to extend offsite improvements to reach the subdivision or oversized required public facilities to serve anticipated future development as a condition of plat approval.

5.1.2 Phasing of Subdivision Required

Any subdivision of more than twenty-five (25) lots shall be phased. No more than twenty-five (25) buildable lots shall be approved in any one phase, without the recommendation of the Enforcing Officer and Utilities Director.

5.2 SUBDIVISION NAME

The proposed name of the subdivision shall not duplicate or too closely approximate phonetically the name of any other subdivision within Sumner County. The Planning Commission shall have authority to designate the name of the subdivision, which shall be determined at Conceptual Plan approval.

5.3 LOT REQUIREMENTS

5.3.1 Lot Arrangement

5.3.1.1 Arrangement

Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines.

5.3.1.2 Minimum Size

The size, shape and orientation of lots shall be such, as the Planning Commission deems appropriate for the type of development and use contemplated. Minimum lot sizes and other bulk regulations are specified in the Zoning Ordinance.

5.3.1.3 Corner Lots

Corner lots shall be sufficiently wider and larger to permit the additional side yard requirements of the Zoning Ordinance. Information shall be provided on the Final Plat showing which direction a house located on a corner lot will face.

5.3.1.4 Lot Dimensions

Where lots are more than double the minimum area required by the Zoning Ordinance the Planning Commission may require that such lots be restricted to prevent further resubdivision or be arranged so as to allow further subdivision and the opening of future public ways where they would be necessary to serve such potential lots, all in compliance with the zoning ordinance and these regulations.

5.3.1.5 Lot Frontage

The minimum lot frontage on a public way shall be fifty (50) feet, except for the radius of a cul-de-sac that shall be thirty-five (35) feet. All residential lots with less than fifty (50) feet shall include the following note:

“Lot(s) _____ shall be required to submit and receive approval of a plot plan prior to receiving a building permit.”

5.3.1.6 Building Setbacks from High Voltage Electric Lines

In the case of electric transmission lines where easement widths are not definitely established, a minimum building setback line from the center of the transmission line shall be established as follows:

Voltage of Line	Building Setback
7.2 KV	15 feet
13 KV	25 feet
46 KV	40 feet
69 KV	50 feet
161 KV	75 feet

5.3.1.7 Double Frontage Lots

Creation of lots with double frontage (street abutment front and rear) shall be avoided. This may be accomplished by providing an alley or frontage road along arterials or collectors. Special exceptions may be made where necessary to provide access to residential development from street other than arterial or collector streets, but only to overcome specific disadvantages of topography. Special exceptions shall require an undue hardship based upon State Statute.

5.3.1.8 Access from Arterial or Collector Streets

When a property is subdivided along an arterial or collector street dwelling units are encouraged to face the arterial or collector wherever practicable with vehicular access via a shared frontage road, driveway easement, or rear alley. There shall be a separation area between the arterial or collector and the edge of the frontage road or shared driveway easement.

5.3.2 Flag Lots

Flag lots shall not be permitted in any zoning district that permits residential uses. No building shall be erected on a lot which does not continuously abut at least one public street for at least fifty (50) feet. A lot with more than one-half (1/2) of its frontage on the bulb of a cul-de-sac must continuously abut the street for at least thirty (35) feet.

5.3.3 Connectivity, Access, and Blocks

5.3.3.1 Connectivity

1. Developments shall provide roadways permanently open to the public that provide community wide access as part of an overall connectivity network whose spacing generally occurs at intervals as stated in [5.3.3 \(Connectivity, Access, and Blocks\)](#) of these Regulations.
2. Existing streets in adjacent or adjoining areas shall be continued in a new development. Whenever connections to anticipated or proposed surrounding streets are required by this Ordinance, the Subdivision Regulations or the Major Thoroughfares Plan (or other adopted Transportation Plan), the right-of-way shall be extended and the street developed to the property line of the property at the point where the connection to the anticipated or proposed street is expected. Temporary turnarounds may be required to be constructed at the end of such streets pending their extension when such turnarounds appear necessary to facilitate the flow of traffic or accommodate emergency or service vehicles. No cul-de-sac street shall be permitted in excess of 500 feet unless no other practical alternative is available and a special exception is granted by the Planning Commission.
3. Developments shall provide sufficient external access points to the existing or future roadway network as follows, however, in the case of any conflict between the provisions of this section and other sections of these regulations, this section shall prevail, except to meet access management requirements. The number of accesses provided shall meet the requirements outlined in [Table 5-1: Accesses Required by Number of Units](#).

Table 5-1: Accesses Required by Number of Units

Number of units	Required Connections	Immediate Accesses	Future Accesses
Less than 50 units	2	1	1
50 to 124	3	2	1
125 to 199	4	2	2
200 to 299	4	3	1
Each additional 100 units	1 additional ^A		
^A – Any immediate access shall be utilized before future accesses are provided.			

- a. No more than 124 units' certificates of occupancy may be issued within the development until the required secondary access has been constructed.
- b. A special exception of these standards may be granted by the Planning Commission only in extreme cases where limited frontage, natural features (slope, topography), or similar circumstances preclude the required connections and there is no substantial impact noted regarding emergency service delivery. An alternate public emergency access roadway may be provided to satisfy the above requirements with the approval of the Planning Commission.
4. Street stubs into adjacent properties shall be required to ensure adequate circulation. All existing stub streets, contiguous to the property, shall be connected to the proposed street system. A special exception from these requirements for street stubs shall require approval of the Planning Commission.

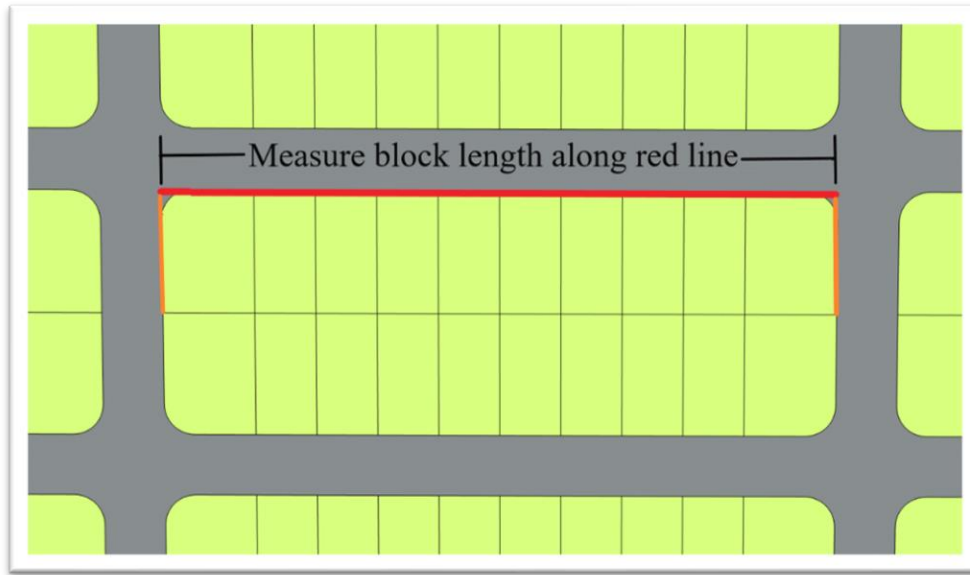
5.3.3.2 Residential Development Access to Existing Public Street

1. A minimum of two points of access to an arterial or collector street shall be required for all residential developments consisting of 124 or more lots and/or units. The second point of access may connect to adjacent developments as long as the adjacent development has direct access to an arterial or collector street.
2. Two points of access shall not be on the same street unless no alternative exists, providing two unique paths to an arterial or collector without overlap. If no alternative exists, a future point of access shall be provided to a future street.
3. The Planning Commission, Planning Staff or Engineering Staff may require more than two points of access when additional access points are readily available or as other sections of these Regulations or the Zoning Ordinance require.
4. In certain limited instances where the second point of access cannot be reasonably provided, a traffic study is required to demonstrate that an adequate level of service can be met. All traffic studies are subject to review by City Staff and/or a City chosen professional to determine if recommendations are consistent with all transportation programs and needs. Any Traffic Study required shall meet the requirements as laid required in the Portland Zoning Ordinance.
5. When a second point of access cannot be reasonably provided, a second future point of access shall be provided. An access or ingress/egress easement may be required by Planning or Engineering Staff.
6. When a street stubs from an adjoining property the subject property, such stub shall be extended through the subject property as public or private street.

5.3.3.3 Blocks

1. Blocks shall be defined as a section of land bound by four (4) intersecting streets.
2. Blocks length shall not be more than twelve hundred (1,200) feet in length. Block length shall be measured along the front lot lines exclusive of any radii at street intersections. Where the measurement shall continue along the logical extension of the front line until its intersection with the logical extension of the front lot line of the perpendicular block face.

Figure 5-1: How to measure block length



3. Block perimeter shall not exceed the requirements for each zoning classification as stated in [Table 5-2: Maximum Block Perimeter Requirements](#). Block perimeters shall be measured along the front lot lines exclusive of any radii at street intersections. Where the measurement shall continue along the logical extension of the front line until its intersection with the logical extension of the front lot line of the perpendicular block face. Blocks with cul-de-sacs shall include the street frontage along lots on the cul-de-sac in the measurement of the block perimeter.

Table 5-2: Maximum Block Perimeter Requirements

Zoning Type	Maximum Block Perimeter
Mixed Use	2,500 feet
Residential	3,500, feet
Commercial	4,500 feet
Industrial	5,700 feet

Figure 5-2: How to Measure Block Perimeter



4. Residential blocks shall have sufficient width to provide for two tiers of residential lots, except where outlined in the [5.3.3.4 Connectivity, Access and Blocks Special Exceptions](#) section of this Chapter.
5. For blocks greater than eight hundred (800) feet in length, a pedestrian access easement a minimum of twenty (20) feet in width may be required to traverse blocks deemed essential to provide access to Community Facility Activities or Commercial Activities uses.
6. In any block longer than 1,200 feet in length, the Planning Commission may require the reservation of an easement through the block to accommodate utilities, drainage, facilities, and/or pedestrian traffic.

5.3.3.4 Connectivity, Access and Blocks Special Exceptions

The Planning Commission may consider a special exception from the Connectivity, Access and Blocks standards when one of the following hardships prohibits compliance:

1. A railroad track would need to be crossed.
2. The Interstate would need to be crossed.
3. The airport land would need to be crossed.
4. A stream would need to be crossed that is an order number 4 stream or higher. A stream order map is available from the Planning Department.
 - a. The block perimeter shall be doubled for number 4 order streams
 - b. The block perimeter shall be tripled for number 5 order streams
 - c. The Planning Commission can require stream crossings for any stream as required in the Major Thoroughfare Plan or as needed for a pressing transportation concern
5. A topographic feature that would cause the slope of a street to be greater than 10%.
6. An existing development pattern (including cemeteries) prevents the reasonable extension of a road. If this is the case, additional pedestrian connections or a pocket park should be required based on the cost of the land.
7. Anywhere the Subdivision Regulations or Zoning Ordinance require access management.

5.4 STREETS

5.4.1 Purpose

The public way design standards set forth in this section are hereby required in order to provide public ways of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to police, fire-fighting, sanitation, and road-maintenance equipment, and to coordinate public ways so as to compose a convenient and safe system and avoid undue hardships to adjoining properties. These provisions are intended to establish appropriate standards for the design of streets in residential subdivisions that will:

1. Promote the safety and convenience of vehicular traffic,
2. Protect the safety of neighborhood residents,
3. Minimize crime in residential areas,
4. Protect the residential qualities of neighborhoods by limiting traffic volume, traffic speed, noise and fumes,
5. Encourage the efficient use of land,
6. Promote construction methods and criteria that provide high quality and efficient design; to provide for initial cost concerns, future maintenance cost and general liability cost for the community.
7. Minimize the construction of impervious surface thereby protecting the quantity and quality of the community's water resources.
8. Provide satisfactory access for emergency vehicles.

5.4.2 General Requirements

The design of all streets shall conform to the general design standards presented within this section and to the detailed criteria found in [Table 5-4: Street Standards - Minimum Standards](#).

1. Rectilinear or grid street layouts are generally preferred, with occasional diagonal elements to enhance visual interest, although curvilinear layouts shall be acceptable when designed to interconnect and to produce terminal vistas of protected open space or prominent structures.
2. Residential streets shall be aligned so that their terminating vistas are of greens, other open space, or civic or institutional buildings, wherever possible. Where this is not possible, every effort shall be made to terminate those streets with buildings of above-average size, whose architecture shall be encouraged to be special in one way or another.
3. Streets shall be interconnected as far as practicable (employing cul-de-sacs only where essential), and they may also be supplemented with back lanes or alleys. Where cul-de-sacs are deemed to be unavoidable, continuous pedestrian circulation shall be provided by connecting sidewalks that link the end of the cul-de-sac with the next street or open space.
4. To the greatest extent practical, streets shall be designed to have maximum lengths of eight hundred (800) feet between intersections, and maximum lengths of twelve hundred (1,200) feet before terminating at three-way "T" intersections or angling off in a diagonal direction. Blocks greater than eight hundred (800) feet long shall generally be provided with cross-block pedestrian connections at mid-block locations.
5. Streets shall be laid out to promote pedestrian circulation and ease of access from all points in the residential areas to commercial or institutional facilities.
6. Stub-outs shall be required to permit streets to be extended to allow adjoining properties to be connected in the future.
7. The street width standards listed below take into account the need for on-street parking spaces, which generally increase as lot widths decrease.

5.4.2.1 Conformity to Major Thoroughfare Plan

The location and width of all streets and roads shall conform to the official Major Thoroughfare Plan, which may include a Major Street Plan within a municipality and/or a Major Road Plan within an unincorporated area. In the event of a conflict the document adopted by the Planning Commission shall prevail.

5.4.2.2 Street and Road Names

Proposed streets, which are obviously in alignment with others already existing and named, shall bear the names of existing streets. In no case shall the name for proposed streets duplicate existing street names within the County, irrespective of the use of the suffix street, avenue, boulevard, driveway, place, or court. Street names and addresses shall be approved by the appropriate 911 authority. All final plats shall have the signature of the responsible representative from appropriate 911 authority.

5.4.2.3 Grading and Improvement Plan

Streets shall be graded and improved to conform to the standards required by this section and shall be approved as to design and specification by the Enforcing Officer in accordance with the specifications required herein or those approved by the local governing authority. If conflicts exist between these regulations and regulations or ordinance of the local legislative authority, the document approved by the legislative authority shall prevail.

5.4.2.4 Streets in Flood Prone Areas

The finished elevation of proposed streets prone to flooding shall be no less than one (1) foot above the regulatory flood protection elevation. All drainage structures shall be sufficient to discharge flood flows without increasing flood height. Where fill is used to bring the finished elevation of any street to the

required elevation, such fill shall be protected against erosion by rip-rap, vegetative cover, or other methods deemed acceptable by the Enforcing Officer.

5.4.3 Traffic Impact Analysis

As a part of a site development plan or subdivision, the Enforcing Officer and/or City or County Engineer may require, at no cost to the city, a traffic impact study. Traffic impact studies shall be prepared in accordance with the following standards:

5.4.3.1 When Required

Traffic impact studies to assess the traffic impacts of a proposed access to adjoining and nearby streets and intersections shall be required when:

1. The expected number of trips generated by a proposed land use exceeds an estimated 1,000 vehicle trips per day or 100 peak hour vehicle trips per day; or
2. A proposed land use generates less than 1,000 vehicle trips per day, or 100 peak hour vehicle trips per day when:
 - a. The use is on a site located at or near existing or planned signalized intersections; or
 - b. The proposed land use may constitute a threat or danger to the safe and efficient flow of traffic.
3. The Enforcing Officer and City or County Engineer may waive this provision if a recent, valid traffic study has been completed from which needed traffic impacts can be extrapolated.

5.4.3.2 Preparation

A traffic impact study shall be prepared by a qualified registered professional engineer using the standard format specified by the Institute of Transportation Engineers (ITE) publication Traffic Access and Impact Studies for Site Development, in accordance with the following:

1. Initial Meeting Prior to preparation of a traffic impact study, the preparer shall review the following with the Enforcing Officer and/or City or County Engineer:
 - a. Study methodologies and assumptions;
 - b. The study area designation;
 - c. The study horizon year;
 - d. The time periods to be analyzed;
 - e. Other approved developments in progress; and
 - f. Planned or on-going relevant roadway projects.
2. Memorandum of Understanding (MOU)
 - a. Following initial review with the Enforcing Officer and City or County Engineer, the study preparer shall submit a MOU documenting the concepts discussed during the initial review.
 - b. Following approval of the MOU by the Enforcing Officer, the study may be prepared.
3. Data

Traffic impact studies shall be prepared utilizing traffic data that is consistent with:

 - a. The land use and density data as referenced in the most current edition of Trip Generation, published by the Institute of Transportation Engineers;
 - b. Current city and state traffic counts for surrounding streets;
 - c. The market study for the proposed land use; and
 - d. Any additional traffic counts performed as a part of preparing the study.

5.4.3.3 Minimum Requirements

Unless otherwise specified by the Enforcing Officer and/or City or County Engineer, the study shall address:

1. Trip generation and directional distribution;
2. Traffic assignment to streets and access locations;
3. Twenty-four-hour and a.m. and p.m. peak hour, including midday peak hour for nonresidential development, traffic forecasting (on-site and off-site);
4. Capacity analysis and level of service for adjoining streets, and nearby intersections (including at least one signalized intersection beyond the project boundary) before and after the proposed full development;
5. Recommendations for street improvements and traffic control installation, a warrant analysis for new signals included in the study, and modifications to existing signals; and
6. Recommendations for Intelligent Transportation System (ITS) elements in accordance with the ITS Master Plan.

5.4.3.4 Minimum Level of Service Standards

The following minimum levels of service shall be maintained before, during, and after new development or redevelopment subject to the standards in this subsection:

1. Roadway and intersection operation all roadway segments and intersections shall maintain at least a Level of Service C.
2. Intersection turning movements lanes used for turning movements within intersections shall maintain a minimum Level of Service D.
3. Less than minimum background conditions where forecasted conditions without the site traffic indicate levels of service below the acceptable minimum threshold, the developer shall perform all improvements necessary to restore the pre-development level of operation.

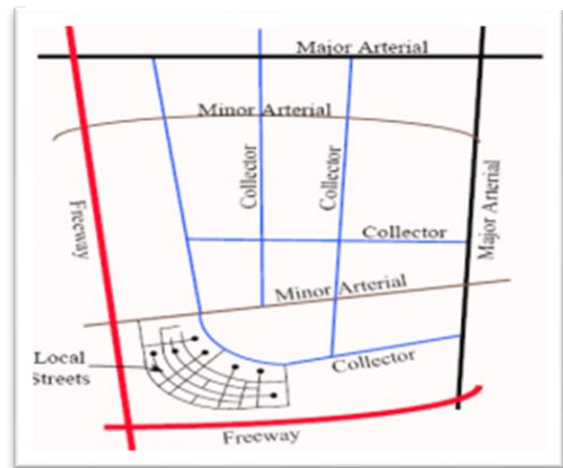
5.4.3.5 Implementation of a Traffic Impact Analysis

The traffic impact analysis may take into account the capital improvements budget and may rely on improvements for which the City has adopted a resolution appropriating funds. Any required traffic improvements that have not been funded or otherwise completed by the City shall be completed by the developer prior to the issuance of a use and occupancy permit. When it can be demonstrated that a development will only partially contribute to the need for additional off-site improvements, the Planning Commission may require a pro-rata contribution. The Enforcing Officer will certify that all traffic improvements to be provided by the developer or property owner have been properly bonded prior to building permit issuance and completed before a use and occupancy permit shall be issued.

5.4.4 Street Functional Classification and Design

As indicated in [Figure 5-3 Street Functional Classification System](#), a functional roadway system facilitates a progressive transition in the flow of traffic, from the provision of access to the provision of movement. Interstate (or Freeways) and arterial facilities primarily provide the function of moving vehicles, while collector and local streets concentrate more on providing access to property. Streets within the City and Planning Region are classified by the following functional categories.

Figure 5-3: Street Functional Classification System



5.4.4.1 Interstate

A divided arterial highway for through traffic, with full or partial control of access, and grade separations at major intersections. Interstate 65 functions as an interstate in the City of Portland and is fully accessed controlled.

5.4.4.2 Arterial

A class of roads serving major traffic movements (high-speed, high volume) for travel between major points. Arterials emphasize a high level of mobility for through movement. While they may provide access to abutting land, their primary function is to serve traffic moving through the area; therefore, arterials require a much higher level of access control than collectors or local streets. Shared or cross access should be used to manage access along arterial roadways.

5.4.4.2.1 Major Arterial

Major arterials are high volume roadways that provide priority to mobility over access. They often provide service to traffic entering and exiting the city and between major activity centers within the city. Serve corridor movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel.

1. Generally, major arterials will:
 - a. Include Federal or State Highways,
 - b. Occasionally include streets not considered part of the Federal or State Highways system when intended to carry traffic over long distances, and construction has been coordinated across jurisdictional boundaries,
 - c. Have limited access,
 - d. Be identified on a Major Thoroughfare Plan or other transportation plan.
2. Major Arterials general carry between 8,500 to 2,000 average annual daily traffic count.
3. In Portland, arterials include but are not limited to:
 - a. United States Highway 31W
 - b. State Highway 52
 - c. State Highway 109

5.4.4.2.2 Minor Arterial

Minor arterials are moderate volume roadways that provide priority to mobility over access. They often feed the major arterial system, support moderate length trips, and serve activity centers. Link cities and larger towns (and other major destinations such as resorts capable of attracting travel over long distances) and form an integrated network providing interstate and inter-county service. Be spaced at intervals, consistent with population density, so that all developed areas within the State are within a reasonable distance of an Arterial roadway.

1. Generally, minor arterials will:
 - a. Provide a link between two major arterials to move traffic across the City,
 - b. Have limited access,
 - c. Be identified on a Major Thoroughfare Plan or other transportation plan.
2. Minor Arterials general carry between 6,000 to 1,500 average annual daily traffic count.
3. In Portland, arterials include but are not limited to:
 - a. State Highway 76
 - b. College Street.

5.4.4.3 Collector

In rural areas, routes that serve intra-county rather than statewide travel. In urban areas, streets that provide direct access to neighborhoods and arterials. As their name suggests, collector roadways have the primary purpose of collecting traffic from local roadways and distributing it to its destination or to an arterial roadway. Collectors offer a compromise between mobility and access.

5.4.4.3.1 Major Collector

Roads with moderate to low volumes that provide a balance between mobility and access. Provide service to any county seat not on an Arterial route, to the larger towns not directly served by the higher systems and to other traffic generators of equivalent intra-county importance such as consolidated schools, shipping points, county parks and important mining and agricultural areas.

1. Generally, major collectors will:
 - a. Provide a link between local streets and arterials.
 - b. Have limited access,
 - c. Be identified on a Major Thoroughfare Plan or other transportation plan.
2. Major Collectors general carry between 2,600 to 300 average annual daily traffic count.
3. In Portland, collectors include but are not limited to:
 - a. Old Highway 31W
 - b. Scattersville Road
 - c. New Deal-Potts Road (North of Highway 52)
 - d. State Highway 259
 - e. Kirby Road
 - f. Westland Street
 - g. Denning Ford Road
 - h. N. Russell Street
 - i. Wheeler Street
 - j. S. Russell Street

5.4.4.3.2 Minor Collector

Roads with moderate to low volumes that provide a balance between mobility and access. Be spaced at intervals, consistent with population density, to collect traffic from Local Roads and bring all developed areas within reasonable distance of a Collector.

1. Generally, minor collectors will:
 - a. Link local streets to arterials in areas typically zoned exclusively for residential use,
 - b. Typically, be the main residential street linking several adjacent subdivisions together,
 - c. Will provide mobility,
 - d. Will have access,
 - e. Be identified on a Major Thoroughfare Plan or other transportation plan.
2. Minor Collectors general carry between 1,110 to 150 average annual daily traffic count.
3. In Portland, collectors include but are not limited to:

- a. Old Gallatin Road
- b. Butler Bridge Road
- c. N Corinth Road
- d. New Deal-Potts Road (South of Highway 52)

5.4.4.4 Local

Local streets are streets that primarily provide access to adjacent land and provide connectivity to roads of higher classification categories. Local streets generally carry between 400 to 15 average annual daily traffic count.

5.4.4.5 Functional Design Criteria

5.4.4.6 Purpose

The street design standards set forth in these regulations are intended to provide streets of suitable location, and width, and as well as any necessary improvements to accommodate prospective traffic and afford satisfactory access to police, fire, sanitation, and other urban services, and as well as coordinate street locations to compose a convenient and safe system. These provisions are intended to establish appropriate functional hierarchy for the design of streets in subdivisions that will:

1. Promote the safety and convenience of vehicular traffic,
2. Protect the safety of neighborhood residents,
3. Encourage the efficient use of land, and
4. Minimize the construction of impervious surface thereby protecting the quantity and quality of the community's water resources.

5.4.4.7 Design Hierarchy

There is, hereby, established a design hierarchy according to street functional classification. The purpose of the hierarchy is to establish clear functional guidelines and limitations to be utilized in the design of streets.

5.4.4.7.1 New Streets

Each proposed street shall be classified and designed for its entire length to meet or exceed the minimum standards for one of the following street types:

Functional Classification	Design Capacity (ADT)	
	Minimum	Maximum
Major Arterial	8,500	2,000
Minor Arterial	6,000	1,500
Major Collector	2,600	300
Minor Collector	1,110	150
Local	400	15

5.4.4.7.2 Existing Streets

During the plan review process each street abutting or affecting the design of a subdivision or land development that is not already classified on the Major Thoroughfare Plan shall be classified according to its function, design and use by the Planning Commission at the request of the applicant. The classification of existing streets shall include the hierarchy of Section [5.4.4.7.1 \(New Streets\)](#) or shall reference an adopted Major Thoroughfares Plan or other Transportation Plan, if available.

5.4.4.7.3 Traffic Volume Calculations

5.4.4.7.3.1 Trip Generation Rates

[Table 5-3: Average Daily Trips by Use](#) shall be used to determine the anticipated average daily traffic count of proposed residential development:

Table 5-3: Average Daily Trips by Use

Land Use	Avg. Daily Trip Generation
Single-family Detached	9.44 trips per dwelling unit
Multi-family (2 plus units)	7.32 trips per dwelling unit
Other Residential Uses	ITE Trip Generation, most current edition shall be used to determine the number of Average Daily Trip Generated
Commercial Uses	
Industrial Uses	

5.4.4.7.3.2 Volume Calculations

Traffic volume calculation shall be accomplished by using the following formula:

$$\begin{aligned} & \text{Traffic Volume (Design ADT)} \\ &= \text{Avg. Daily Trip Generation} \times \text{Number of Units Receiving Access from Street} \end{aligned}$$

5.4.5 Street Design

5.4.5.1 Topography and Arrangement

1. All streets shall be arranged so as to obtain as many of the building sites as possible at or above the grades of the street. Grades of public ways shall conform as closely as possible to the original topography. A combination of steep grades and curves shall not be permitted.
2. All streets shall be properly integrated with the existing and proposed system of streets and dedicated rights-of-way as established on the Major Thoroughfare Plan or other adopted plan.
3. All public ways shall be properly related to special traffic generators, such as industries, business districts, schools, churches, and shopping areas or centers; population density; and to the pattern of existing and proposed land use.
4. In commercial and industrial developments, public ways and other access routes shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, pedestrian walks and parking areas, so as to minimize conflict of movement among the various types of traffic, including pedestrian traffic.

5.4.5.2 Improvements in Floodable Areas

The finished elevation of proposed public ways subject to flood shall be no less than the regulatory flood protection elevation. To determine compliance with this requirement the planning commission shall require profiles and elevations of public ways subject to flood. All drainage structures shall be sufficient to discharge flood flows without increasing flood height. Where fill is approved by the planning commission to bring the finished elevation of any public way to the required elevation, such fill shall not encroach upon a floodway, and the fill shall be protected against erosion by rip-rap, vegetative cover, or other methods deemed acceptable by the planning commission.

5.4.5.3 Intersections

1. Street intersections shall be as near to right angles as is possible, no intersection shall be at an angle of less than sixty (60) degrees.

2. At street intersections in residential areas, the minimum radius of return shall be twenty-five (25) feet at the right-of-way and thirty (30) at the edge of pavement.
3. At street intersections in commercial and industrial areas, and when a residential street intersects with a non-residential street, the minimum radius of return shall be thirty (30) feet at the right-of-way and fifty (50) at the edge of pavement.
4. Should the expected right-turning truck volume exceed ten (10) vehicles per hour in the design hour, then the designer shall use larger radii or three (3) centered compound curves to provide for the turning movement of the larger vehicles.
5. Where the angle of the street intersection is less than ninety (90) degrees, the Street Department may require a greater radii.
6. Intersections with arterial and major collector streets shall be at least eight hundred (800) feet apart.
7. Street jogs and/or intersections on minor collector and local streets of less than two hundred (200) feet shall not be allowed, except where both intersecting streets are cul-de-sacs in which case the street jogs with centerline offsets of less than one hundred and twenty-five (125) feet shall not be allowed.
8. All intersections of two or more streets shall have a grade that does not exceed four (4) percent within the following distances from the intersection:
 - a. Arterial Streets – 150 feet
 - b. Collector Streets – 100 feet
 - c. Local Streets – 60 feet

5.4.5.4 Acceleration and Deceleration Lanes

1. Deceleration or turning lanes may be required along existing and proposed streets as determined by a traffic impact study.
2. Deceleration lanes shall be designed to the following standards:
 - a. On a State Route the lane shall be designed in conformance with the requirements of the Tennessee Department of Transportation or as approved by the Enforcing Officer, whichever is more stringent.
 - b. The lane width shall be the same as the required width of the roadway moving lanes for its full stacking length.
 - c. A taper shall begin at the end of the deceleration lane and shall be 8:1 up to thirty (30) mph and 15:1 up to fifty (50) mph.
 - d. The minimum lane length shall be as recommended by AASHTO or as follows:

Design Speed of Road (mph)	Minimum Deceleration Lane Length
30	170 feet
35	220 feet
40	275 feet
45	340 feet
50	410 feet
55	485 feet

3. Acceleration lanes are also required when indicated as needed by a traffic impact study. The design shall be as per the recommendation of the Enforcing Officer. As necessary, a paved taper shall be provided for right turns.

5.4.5.5 Relation to Adjoining Street System

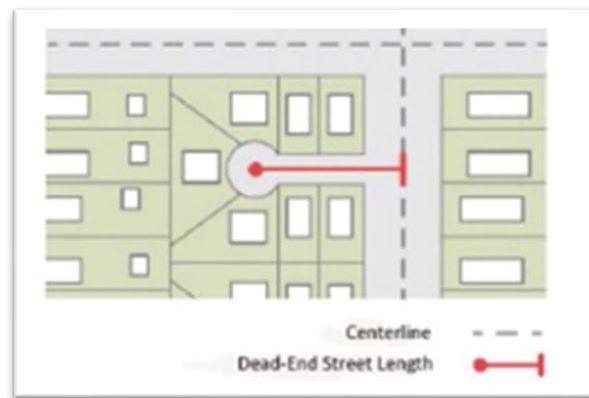
The proposed street system shall extend existing streets or projects at the same or greater width, but in no case less than the required minimum width.

5.4.5.6 Cul-de-sac Streets

5.4.5.6.1 Permanent Cul-de-sac

1. Minor terminal streets or courts designed to have one end permanently closed shall be no more than five hundred (500) feet but not less than one hundred fifty (150) feet in length (measured along the centerline, from centerline of the intersection to center of the turn-around), unless necessitated by topography.
2. Culs-de-sac shall be measured from the centerline of the intersecting street to the center of the cul-de-sac along the centerline of the street.

Figure 5-4: Measurement of Cul-de-sac



3. They shall be provided at the closed end with a turn-around having an outside roadway diameter of at least ninety (90) feet and a street right-of-way diameter of at least one hundred (100) feet or one (1) foot behind the sidewalk whichever is greater.
4. Cul-de-sacs shall not serve more than twenty (20) dwelling units, as allowed by the Zoning Ordinance, unless necessitated by topography or the existing development pattern.

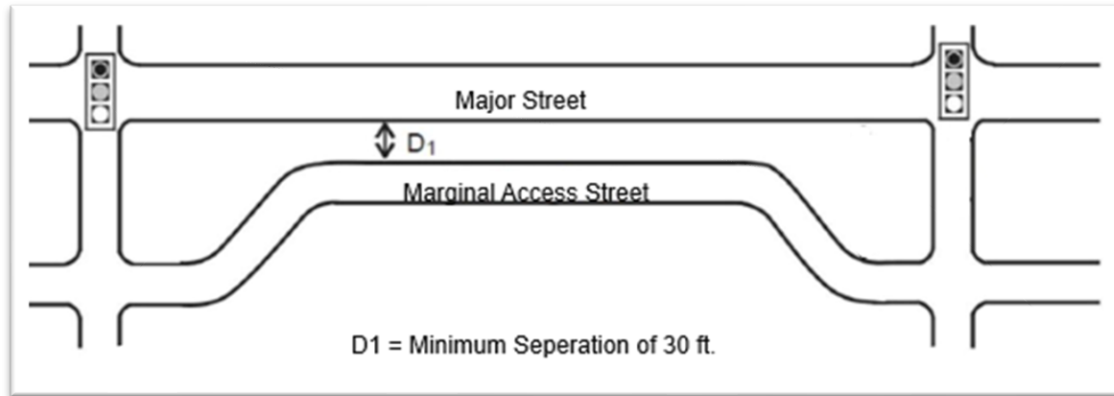
5.4.5.6.2 Temporary Cul-de-sac

Where, in the opinion of the Planning Commission upon recommendation from the Enforcing Officer, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary of such property. Such dead-end streets shall be provided with a temporary turn-around easement of at least ninety (90) feet. The developer who extends a street that has been provided with a temporary turnaround shall remove the temporary turnaround and restore the area of the temporary turnaround.

5.4.5.7 Frontage Streets and One-Way Streets

1. Classification and design of marginal access streets
Frontage or marginal access streets may be utilized as an alternative to creating a row of lots along existing or proposed collector or higher order streets. Marginal access streets shall be classified and designed to conform to the design standards of Local Streets.
 - a. Intersection spacing
The minimum distance between intersections of the marginal access street with collector streets shall meet the requirement of [Section 5.10.2.7 \(Corner Clearance\)](#).
 - b. Distance between travelways
A minimum green space of thirty (30) feet shall be provided between the right-of-way of the marginal access street and the right-of-way of the higher order street. See D1 in [Figure 5-5: Distance between marginal access street \(frontage road\) and Major Street](#).

Figure 5-5: Distance between marginal access street (frontage road) and Major Street



2. Utilization and design of one-way streets

One-way streets may be permitted as loop streets or marginal access streets where there is need to separate the directional lanes to preserve natural features and/or to avoid excessive grading for street construction on steep slopes. One-way streets shall have a minimum of a twenty (20) foot paved surface and a forty (40) foot right-of-way. Pavement and curb transitions shall be designed and constructed in accordance with standards provided by the Enforcing Officer.

5.4.6 Public Streets

5.4.6.1 Substandard Right of Way

Substandard right of way encompassed by or adjacent to the proposed subdivision shall be dedicated to the proper government entity by the developer in accordance with the minimum standards set forth in [Table 5-4: Street Standards - Minimum Standards](#), for the portion of such street that is located within the boundaries of the subdivision or the abutting street half.

5.4.6.2 Substandard Streets and Pavement

Substandard Streets identified as an arterial or collector by these regulations; in a Transportation Plan, including but not limited to the Major Thoroughfare Plan; or by the Tennessee Department of Transportation shall be improved for the portion of such street that is located within the boundaries of the subdivision or the abutting street half, by the developer in accordance with the minimum standards set forth in [Table 5-4: Street Standards - Minimum Standards](#) or the applicable Transportation Plan, whichever is more restrictive.

Substandard Streets identified as a local street, by these regulations; a Transportation Plan, including but not limited to the Major Thoroughfare Plan; or the Tennessee Department of Transportation shall be improved as required in sections [5.4.6.2.1 \(County Roads\)](#) or [5.4.6.2.2 \(City Streets\)](#).

5.4.6.2.1 County Roads

In approving the Conceptual Plan for a subdivision, the Planning Commission may require that substandard County roads be improved by the developer to the minimum standards set forth in the Sumner County Subdivision Regulations, other design documents adopted by the County, or another design standard approved by the County Road Superintendent, for the portion of the street that is located within the

boundaries of the subdivision or the abutting street half. The Enforcing Officer and the County Road Superintendent shall provide advice to Planning Commission on needed improvements.

5.4.6.2.2 City Streets

In approving the Conceptual Plan for a subdivision, the developer shall be responsible for improving a substandard street in accordance with the minimum standards set forth in [Table 5-4: Street Standards - Minimum Standards](#), for the portion of the street that is located within the boundaries of the subdivision or the abutting street half.

5.4.6.2.3 City Streets Special Exception

In the event the Enforcing Officer and City Engineer determine that the construction of the street improvements are premature or may result in conditions that may be unsafe or problematic until the remainder of the street improvements are constructed, the Developer may be allowed to dedicate the necessary right-of-way required in [Table 5-4: Street Standards - Minimum Standards](#); and provide to the City a payment in lieu of construction in an amount equal to the current cost of the required improvements. In such event the City will hold these funds for a future project to improve deficiencies within the City Street Network to the minimum standards set forth in [Table 5-4: Street Standards - Minimum Standards](#). The amount of such payment in lieu of construction shall be determined at such time as the Construction Plans are completed and approved. The payment in lieu of construction shall be made prior to receiving authorization to begin construction of the development. The City of Portland Utility Department may require, at the discretion of the Utilities Director, similar payment in lieu of construction for water and/or sanitary sewer upgrades that are determined necessary in conjunction with the roadway upgrades.

Table 5-4: Street Standards - Minimum Standards

	Arterial		Collector		Locals			
	Major	Minor	Major	Minor	Commercial & Industrial	Mixed Use	Residential	Alley
Right-of-Way Minimum	100'	80'	60'	60'	50'	52'	50'	25'
Lanes of Travel	3	3	2	2	2	2	2	1
Lane Width	12'	12'	11'	11'	11'	10'	10'	12'
Center Turn Land Width	12'	12'	N/A	N/A	N/A	N/A	N/A	N/A
Total Lane Width	36'	36'	22'	22'	22'	20'	20'	12'
Curb & Gutter Vertical or Mountable (1 ft)	Vertical	Vertical	Vertical	Vertical	Vertical	Mountable	Mountable	N/A
Parking Lane Width	N	N	N	N	N	8'	8' ²	N/A
Min. Sidewalk Width	S ¹	S ¹	S	S	S	S	S	N
Multi-Use Path Width	12' ¹	12' ¹	N	N	N	N	N	N
Planting Strip Width	S	S	S	S	S	S	S	N
Traffic Volume	>2,000	6,000 – 1,500	2,600 - 300	1,110 - 150	<400	<400	<400	<400
Speed Limit (mph)	50	45	40	35	30	25	25	15
Driveway & Access	Very Limited	Very Limited	Limited	Limited	Frequent	Frequent	Frequent	No Limit
Street Lights	Req.	Req.	Req.	Req.	Req.	Req.	Req.	N/A
Bike Lane	B	B	B	B	Shared (B)	Shared (B)	Shared (B)	N/A
Traffic Calming	None	None	None	None	Possible	Possible	Possible	None
Min. Grade	1%	1%	1%	1%	1%	1%	1%	1%
Max. Grade	7%	7%	7%	7%	7%	10%	10%	10%
Min. Horizontal Curve (ft)	1,200	1,200	1,039	1,039	510	510	510	N/A
Min. Sight Distance (ft)	475	400	400	375	250	250	250	N/A
“K” Value for Crest Vertical Curve	84	61	84	61	29	29	29	N/A
“K” Value for Sag Vertical Curve	96	79	96	79	49	49	49	N/A

Pavement Crown	The paved surface shall slope downward from the centerline of the street outward to the edge of the paved surface on each side at a rate of 2%.
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Notes:

N/A = Not Applicable

N = Not Permitted

B = See Section [5.8 Bike Lanes](#)

S = See [Table 5-5: Minimum Sidewalk Width](#)

¹ = One side of the road only.

² = Parking Lanes shall only be used in combination with alleys as no driveways shall be allowed along streets with parking lanes.

See standard drawing details for sidewalk locations; curb types, and inlets requirements.

The City's minimum design speed is 25 MPH. Lower design speeds will require approval of the Portland Municipal-Regional Planning Commission.

Where fill or cut slopes, utilities, roadway features, or other highway development must be included, additional right-of-way may be required. Right-of-way requirements above are minimum additional right-of-way may be required by Portland Municipal-Regional Planning Commission. Where a deflection angle of more than 10° in the alignment of a street occurs, a long radius curve shall be introduced. For multi-lane facilities, the centerline is to be considered as the centerline for each direction of traffic.

Minimum sight distance is based on the stopping site distance. For a horizontal curve, this is to be measured along the centerline of the inside lane around the curve with the site line being chord of curve.

"K" values are the coefficients by which the algebraic difference in grades shall be multiplied to determine the minimum length in feet for the specific vertical curve ($L=KA$).

Minimum values - subject to a traffic impact study. A traffic study may require additional lanes.

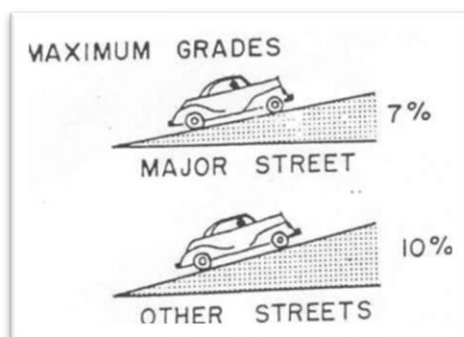
This distance is the minimum centerline radius with no superelevation.

Variations from the above criteria shall be made at the sole discretion of the Enforcing Officer in consultation with the City Engineering when warranted based upon review and approval of engineering evidence/criteria presented to the Enforcing Officer by a registered engineer.

5.4.6.3 Street Grade

The minimum grade for a street with curbs shall be one (1) percent. Grades on major streets shall not exceed seven (7) percent. Grades on other streets may exceed seven (7) percent but not ten (10) percent. See [Table 5-4: Street Standards - Minimum Standards](#) for specifics street design standards.

Figure 5-6: Maximum Street Grade



5.4.6.4 Horizontal Curves

See [Table 5-4: Street Standards - Minimum Standards](#) for specifics street design standards.

5.4.6.5 Vertical Curves

See [Table 5-4: Street Standards - Minimum Standards](#) for specifics street design standards.

5.4.6.6 Planned Routing

When applicable, the layout of a street(s) within a subdivision shall conform to the routing depicted upon the Major Thoroughfare Plan. The Developer shall dedicate the amount of right-of-way specified in these regulations or the Major Thoroughfare Plan. The developer shall also be responsible for building the City Street or County Road within the dedicated right-of-way. In the event the Enforcing Officer determines that the construction of the street improvements is premature, payment in lieu of construction may be accepted.

5.4.6.7 State Project Routes

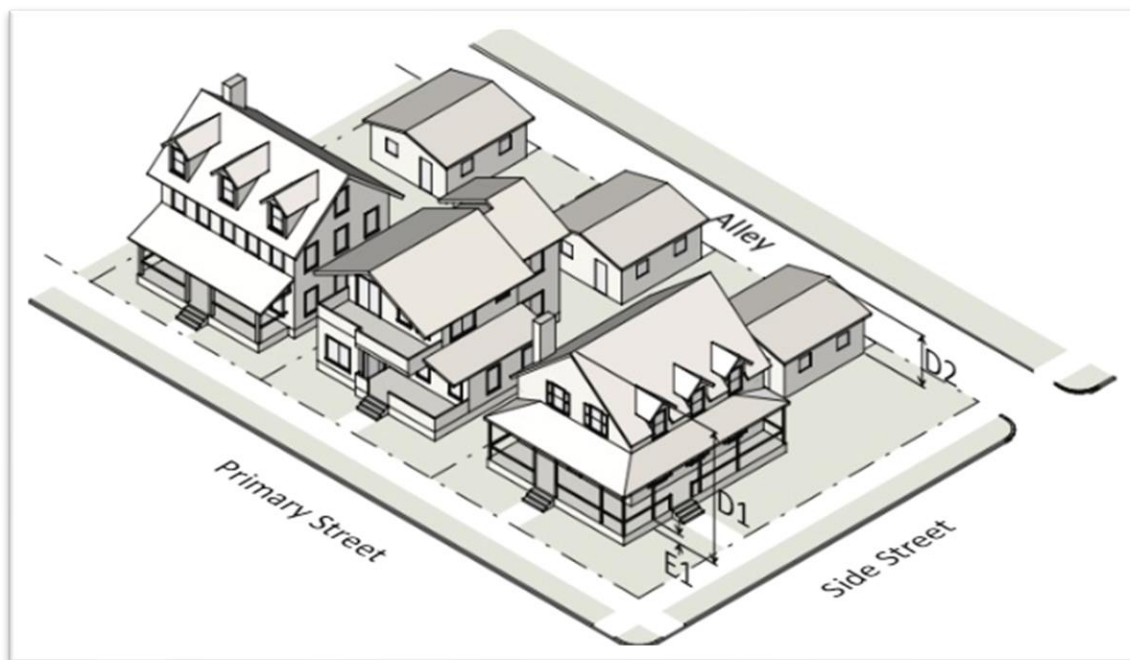
The Planning Commission shall require a developer to reserve right-of-way, for known Tennessee Department of Transportation projects, on any plat that is submitted along the planned route. The area shall be shown on the plat, labeled, and noted as “reserved for future right-of way” and any required yard area shall be measured from such reservation line. Reserved right-of-way-area shall count toward the minimum lot size but shall not include any area used for Subsurface Sewage Disposal System. The following note shall be added to each plat with a reserve area:

The “reserved for future right-of-way-area” shall remain as a portion of the lot until purchased by the Tennessee Department of Transportation. No buildings whether permanent or temporary shall be constructed within the reserved area.

5.4.7 Alleys

Alleys may be provided to the rear of lots used for business purposes to provide access for loading/unloading or other service uses. Alleys may also be provided in residential blocks, as approved by the Planning Commission, especially where small lots are proposed, in order to provide access to rear-loaded garages, utilities, and for garbage collection. Alleys shall not count as road frontage for the purposes of subdividing land.

Figure 5-7: Alley Example



Alleys shall be strongly encouraged where practicable to reduce the need for curb cuts with an emphasis along arterial and collector streets. The following standards shall apply to alleys:

- 1) Alleys, wherever practicable, shall connect with streets at their ends and dead-end alleys shall be avoided. Planning Commission shall only approve a dead-end alley, when practical difficulties necessitate such action.
- 2) Turnarounds shall be provided if a dead-end alley is longer than one hundred-fifty (150) feet.
- 3) Alleys may contain turns and intersections with other alleys provided service vehicles can be accommodated.

- 4) Alleys shall serve as a utility corridor and wherever practicable, utilities shall be located to the rear of buildings.
- 5) Public alleys shall be approved by the City.
- 6) For all lots where the distance from the dwelling unit to the street via the alley may be greater than one hundred-fifty (150) feet, the alley shall serve as a fire lane as well as providing vehicular access to dwelling units.
- 7) For attached housing fronting onto an arterial or collector, rear access shall be provided.
- 8) If the tract abuts an existing alley, vehicle access shall be from the alley.

5.4.8 Private Streets

Private streets may be allowed in a residential subdivision subject to meeting the requirements of this development code, the conditions set forth below and any other applicable City regulations. Private streets shall not be permitted within the County.

5.4.8.1 General

1. Private streets shall not be approved when a street is identified in the Major Thoroughfare Plan or in any Transportation Plan adopted by City Council or Planning Commission and are not appropriate to prohibit connection from adjoining properties.
2. Private streets shall be the principal access between a public street and platted lots that do not abut a public street. Such private streets are not dedicated to the public and shall not be publicly maintained. The term “private street” may include both the pavement and areas of streets, alleys or service roads within a development.
3. The private streets shall be owned and maintained by a homeowner’s association organized and upon approval of the Enforcing Officer, may be transferred to a land conservancy or land trust. Any such conveyance must adequately guarantee the protection and maintenance of the private streets in accordance with the provisions of Section [5.4.8 \(Private Streets\)](#).
4. All private streets shall be constructed to equal or exceed the base materials, compaction, and final surfacing standards for public streets and must be certified as such by the Enforcing Officer. If curb, gutter, and sidewalk are not provided, drainage swales adjacent to the roadway shall be required.

5.4.8.2 Access

1. A private street shall be labeled on the final plat as a Private Street, Public Utility and Access Easement, and be assigned a lot number.
2. Private streets shall be reserved for use by owners and residents served by such private streets and all governmental and utility entities providing services and regulatory enforcement, as well as private service entities.
3. Access to subdivisions containing private streets may be controlled by a 24-hour security guard or a self-activated gate at the entrance. All gates and security barriers shall be approved and meet the standards of Section [13-8- 101](#), Tennessee Code Annotated and any applicable City Codes.
4. If a gate or security barrier is installed at the entrance, queueing spaces shall be provided out of the public right-of-way. Gates that serve residential units shall provide queueing spaces at the standard of one (1) space for 30 units or less and two (2) spaces for more than 30 units. Queueing spaces shall measure 10 feet by 20 feet.

5.4.8.3 Front Setbacks and Lot Widths

All private streets shall be treated as public street rights-of-ways for purposes of determining required front setbacks and lot widths.

5.4.8.4 Maintenance

The final plat shall be conditioned as follows and include the following notes:

1. Require perpetual maintenance of private streets by a homeowner's association to the same standards as connecting public streets for the safe use of persons using the streets; and
2. State that the City or County has absolutely no obligation or intention to ever accept such streets as public right-of-way

5.4.9 Street Signage & Traffic Control Devices

All signage shall conform to the current edition of the Manual of Uniform Traffic Control Devices published by the United States Department of Transportation or in compliance with applicable State Statute. Temporary signs may be installed and maintained in lieu of permanent signs until curbs are installed and backfilled. Such signs shall meet the same standards for mounting height, size, and legibility as permanent signs but may be mounted on temporary structures. The installation of temporary street name signs shall be verified by written and physical developer/contractor certification to the Enforcing Officer before authorization for building permits may be granted.

5.4.9.1 Regulatory and Warning Signs

5.4.9.1.1 Installation Requirements

The developer shall purchase and install appropriate signs. Written confirmation of this placement shall be required from the Enforcing Officer prior to recording a Final Plat.

5.4.9.1.2 Letter of Credit

Regulatory and warning signs may be included as a part of the letter of credit covering streets, drainage and other public improvements.

5.4.9.1.3 Notes

All subdivision plats that require street name signs, or temporary dead-end street signs shall require a note stating:

"No building permit shall be issued for any lot until street name, regulatory and warning signs are installed and verified on all streets on which such lot depends for access."

5.4.9.2 Street Names, Regulatory and Warning Signs for Private Streets

5.4.9.2.1 Installation Requirements

The developer shall purchase and install appropriate street name and traffic control signs. Written confirmation of this action shall be required prior to issuance of any building permit or filing of a Final Plat.

5.4.9.2.2 Letter of Credit

Regulatory and warning signs may be included as a part of the letter of credit covering streets, drainage and other public improvements.

5.4.9.2.3 Notes

All subdivision plats that require street name signs, or temporary dead-end street signs shall require a note stating: "No building permit shall be issued for any lot until street name, regulatory and warning signs are installed and verified on all streets on which such lot depends for access."

5.4.10 Driveways

Driveways, both residential and non-residential, shall be concrete paved within the right-of-way of the street or to the back of the sidewalk, whichever is farthest from the curb. Driveway width and quantity shall be allowed as provided in the applicable Zoning Ordinance, for both residential and non-residential developments.

5.4.11 Reserve Strips

There shall be no reserve strips controlling access to any street, except where the control of such strips is placed under the ownership and/or control of the City of Portland under conditions approved by the Planning Commission. A reserve strip shall include any width of land that is intended to control and/or deny access to a City Street or County Road.

5.4.12 Street Construction Specifications

The street construction specifications included in these regulations, as [Appendix D: Street Construction](#), are adopted as a part hereof. These specifications shall be the minimum standards for any subdivision within the Corporate Limits of Portland. Any project within the incorporated portion of the Planning Region shall meet the standards establish by Sumner County and the Sumner County Highway Superintendent.

5.5 UTILITIES

5.5.1 Domestic Water

5.5.1.1 General Requirements

- 1) Water mains, within the City Limits, shall be extended, improved, and connected to the City of Portland's water distribution system in such a manner as to adequately serve all lots shown on the subdivision plat for both domestic service and fire protection. This shall require that each lot have a water line along it's frontage with the water meter located on said lot.
- 2) Water mains, outside the City Limits, shall be extended, improved, and connected to the City of Portland's water distribution system in such a manner as to adequately serve all lots shown on the subdivision plat for domestic service. This shall require that each lot have a water line along it's frontage with the water meter place on said lot.
- 3) The size and location of water mains, as well as the location and types of valves and hydrants shall be approved by the Planning Commission subject to the detailed review and approval by the Enforcing Officer and Utilities Director confirming that the design and construction shall be in accordance with the Utility District and State of Tennessee Department of Environment Conservation(TDEC) Standards and Specifications.
- 4) When a subdivision development proposed within the City of Portland's Planning Region is proposed to be served by another Water Distributor, District, or Authority the owner/developer shall provide written documentation from the Water System Distributor, District or Authority indicating the current and proposed system flow and pressures in the immediate area.
- 5) No subdivision development shall be approved until adequate fire flows and pressures are available or an appropriate plan of services is approved. Adequate fire flows shall be based on current State of Tennessee requirements.
- 6) Under no circumstances shall a lot be approved without direct access to the water line that serves the property. Access may not be provided through an easement.

5.5.1.2 Fire Hydrants

- 1) For commercial districts or commercial subdivisions within the corporate limits, there shall be one (1) or more hydrant(s) at each street intersection depending on the required fire flow, with intermediate hydrants no more than five hundred (500) feet apart.

- 2) For residential districts or residential subdivisions within the corporate limits, there shall be a hydrant at each street intersection with intermediate hydrants no more than five hundred (500) feet apart.

5.5.2 Sanitary Sewer

5.5.2.1 Mandatory Connection Required

- 1) Sanitary Sewer service shall be extended by the subdivider from the existing sewage collection system to any development within the Corporate Limits of the City of Portland.
- 2) Sanitary Sewer shall not be extended beyond the Corporate Limits of the City of Portland.
- 3) Whenever a subdivision of property cannot be reasonably served, in the opinion of the Enforcing Officer and Utility Director, by an extension of the sewage collection system lots served by an individual disposal system may be approved by the Planning Commission.

5.5.2.2 General Requirements

- 1) The size and location of sewer mains, services, manholes, pump stations and related sewage facilities are approved by the Planning Commission subject to the detailed review and approval by the Enforcing Officer and Utilities Director confirming that the design and construction shall be in accordance with City of Portland and State of Tennessee Department of Conservation and Environment Standards and Specifications.
- 2) Sewer capacity shall be granted based on the City of Portland Sanitary Sewer Capacity Management Plan. No individual subdivision shall be approved for sewer connections of more than fifteen (15) percent of the current available capacity for residential developments in any single month. The Enforcing Officer and Utility Director shall make recommendation to the Planning Commission to place limits on the number of consecutive monthly approvals. This limit may be based on actual progress being made on the construction of the project, size of the development, offsite construction costs, and other possible economic and capacity availability factors.
- 3) All sanitary sewer facilities located in a flood hazard area shall be floodproofed to the regulatory flood protection elevation. All sewer facilities located below the regulatory flood protection elevation shall be designed to prevent infiltration of floodwaters into the sewer system and discharges from the system into floodwaters.
- 4) Under no circumstances shall a lot be approved without direct access to the sewer line that serves the property. Access may not be providing through an easement.

5.5.2.3 Individual Disposal (Septic) System Requirements

- 1) No lot less than forty thousand (40,000) square feet shall be served by an individual disposal system.
- 2) If public sewer facilities are not available and individual disposal systems are proposed the individual disposal system, including the size of the septic tank and size of the tile fields or other secondary treatment device shall be approved by the county health department. The entire individual disposal system, including all drainage fields associated therewith, shall be located on the lot with the principal structure such system is to serve.
- 3) The Planning Commission may prohibit installation of sewage disposal facilities requiring soil absorption systems where such systems will not function due to high groundwater, flooding, or unsuitable soil characteristics. The Planning Commission may require that the subdivider note on the face of the plat and any deed of conveyance that soil absorption fields are prohibited in designated areas.

5.5.2.4 Special Exception for Lift Stations

Sewer lift stations shall only be allowed when, in the opinion of the Enforcing Officer and Utilities Director, there is not a feasible way to serve the property with a gravity flow system. Any lift station that is approved shall be designed in a manner to allow for the future extension of the gravity system and removal and/or relocation of the approved lift stations.

5.5.3 Natural Gas

Natural Gas shall be provided in accordance with applicable Portland Utility District policy and ordinances.

5.5.4 Electrical Telephone, and Television

This section shall apply to all subdivisions built within the jurisdiction of the Planning Commission.

5.5.4.1 Underground Utilities

Following adoption of these regulations all electrical, telephone and television service lines located within any subdivision approved under authority of these regulations shall be placed underground.

5.5.4.2 Aboveground Utilities

Except as provided in [5.5.4.3 \(Exceptions\)](#), it shall be unlawful to erect or construct permanent above ground utility equipment within any subdivision approved under authority of these regulations.

5.5.4.3 Exceptions

The following exceptions shall apply to the application of this section.

- 1) Aboveground utility equipment may be installed, maintained and utilized by utility companies for a period not to exceed ninety (90) days in order to provide emergency utility services. This time limit may be extended, if warranted, by the Planning Commission.
- 2) Utility equipment utilized for vehicular or pedestrian traffic control purposes.
- 3) Utility equipment appurtenant to underground facilities, such as service- mounted, pedestal-mounted, or pad-mounted transformers, terminal boxes, meters and meter cabinets.
- 4) Temporary utility equipment utilized exclusively in conjunction with construction projects. Upon installation of permanent utility equipment, the temporary equipment shall be removed.
- 5) Fire hydrants, fire plugs and other utility equipment utilized exclusively for fire-fighting purposes.
- 6) Telephone and television transmission towers.
- 7) Equipment installed by an electric utility which should not be installed underground for engineering or safety reasons.
- 8) Electrical transmission lines and switch gear.

5.6 STREET LIGHTING

All industrial, commercial, and residential subdivisions shall be required to install street lighting. Lighting plans shall be submitted to the City of Portland Planning Department for review and approval. Subdivision lighting plans shall be reviewed per the following requirements:

- 1) Spacing shall not be greater than 400 feet, or no greater than every four side yard lines whichever is less.
- 2) At all entrances, intersections, and other potentially dangerous traffic areas, as determined by the Enforcing Officer.
- 3) Ends of all cul-de-sacs.

This spacing may vary slightly based on lot configurations and practical locations of Cumberland Electric Membership Corporation (CEMC) or appropriate electric provider poles. Lighting shall be installed and

functional upon issuance of the first certificate of occupancy for that particular phase, subsequent certificates may be withheld until lighting is complete.

5.7 SIDEWALKS

1. Pedestrian Access in blocks greater than eight hundred (800) feet in length, a pedestrian access easement a minimum of twenty (20) feet in width may be required to traverse blocks deemed essential to provide access to Open Space, Community Facility Activities, or Commercial Activities. Said easement shall include a sidewalk that meets the requirements of Section [5.7 \(Sidewalks\)](#).
2. In any long block, the Planning Commission may require the reservation of an easement through the block to accommodate utilities, drainage, facilities, and/or pedestrian traffic.

5.7.1 Sidewalks Along New Streets

Sidewalks shall be required along both sides of all streets, excluded alleys.

5.7.2 Sidewalks Along Existing Streets

Sidewalks shall be required along the proposed subdivision's frontage on existing public streets.

5.7.3 Sidewalk Width

The width of sidewalks shall be as prescribed in [Table 5-5: Minimum Sidewalk Width](#). Width shall be exclusive of encroachments such as utility poles, fire hydrants, parking meters, sign standards, street furniture, etc. It shall be at the discretion of the Enforcing Officer to decrease or increase the width of a sidewalk to ensure continuity along a City Street.

Table 5-5: Minimum Sidewalk Width

Zoning	Minimum Planting Strip	Minimum Sidewalk Width
Residential (< 4 units an acre)	6'	5'
Residential (4 units or more per acre)	6'	6'
Mixed Use	6'	8'
Commercial	7'	6'
Industrial	7'	5'

5.7.4 Design Criteria

Sidewalks shall be included within the dedicated non-automobile portion of the right-of-way or public access easement. A grassed planting strip meeting the requirement in [Table 5-5: Minimum Sidewalk Width](#) shall separate all sidewalks from adjacent streets.

1. Where extraordinary difficult topographic conditions exist, other design solutions, such as a wider separation, may be used.
2. Where necessary, the Planning Commission may require pedestrian access ways from a public ways to schools, parks, playgrounds, or other nearby public ways. To accomplish this purpose, the Planning Commission may require perpetual unobstructed easements at least twenty (20) feet in width. Said easement shall include a sidewalk that meets the requirements of Section [5.7 \(Sidewalks\)](#).
3. Sidewalks shall be designed and constructed so as to comply with ADA Standards for Accessible Design as published by the U.S. Department of Justice and excerpted from 28 CFR Part 36 and any subsequent amendments or supplements.

4. All sidewalks shall be designed and installed to meet the Public Right of Way Accessibility Guidelines (PROWAG) or successor document.

5.7.5 Waivers and Alternative Pedestrian Ways

Developers and the Planning Commission may reach alternative arrangements concerning sidewalks where strict compliance with the provisions of this section would cause an undue hardship due to previously approved plats and/or development plans. Such alternative provisions may include:

- 1) payment to a fund for construction of the sidewalks by the Local Government at a later date, if this option is approved by a Local Government entity; or
- 2) the actual construction of sidewalks at another location. In the absence of mutual agreement, the developer shall construct the sidewalks in the manner provided herein.

5.7.6 Maintenance

The lot owner shall maintain grass and vegetation between the roadway and the property line and the City shall maintain the sidewalk.

5.8 BIKE LANES

5.8.1 Bike Lanes Along New Streets

Bike lanes may be provided along new streets and shall be required if included in any adopted Transportation Plan or Bike Ped Plan.

5.8.2 Bike Lanes Along Existing Streets

Bike lanes may be provided along existing streets if other improvements are required and shall be required if included in any adopted Transportation Plan or Bike Ped Plan.

5.8.3 Bike Lane Width

Bike lanes shall be provided at a minimum of five (5) feet in width or as provided in any adopted Transportation Plan or Bike Ped Plan.

5.8.4 Shared Bike Lane

Shared bike lanes shall not be provided on streets with a speed limit greater than 30 mph and marked as required in the Manual on Uniform Traffic Control Devices (MUTCD).

5.8.5 Design Criteria

Any bike lanes shall meet the standards set forth in the latest edition of NACTO “Guide for the Development of Bicycle Facilities”, Manual on Uniform Traffic Control Devices (MUTCD), or other guidelines adopted by the appropriate Governing Body.

5.9 STORMWATER AND DRAINAGE

The current policies and guidelines as set forth in the City Storm Water Ordinance ([Title 21 of the City Code](#)) shall be applied to all drainage design for all projects within the City of Portland. Areas within the Portland Planning Region shall be designed according to the Sumner County Stormwater Regulations or other applicable agreement in place for the Portland Planning Region. Storm water drainage is a major aspect of land subdivision design; however, it should not be prioritized over other important design considerations.

5.10 ACCESS MANAGEMENT

5.10.1 State Route 109

5.10.1.1 Purpose

State Route 109 is the primary north-south arterial serving travelers in the City of Portland and the Portland Planning Region. The purpose of the State Route 109 Access Management Standards is to allow access to land development in a manner that preserves the safety and efficiency of the transportation system, promotes economic development, and protects environmental resources along the State Route 109 Bypass, as proposed by the Tennessee Department of Transportation, between Interstate 65 (I-65) and just south of Centerpoint Road where 109 exits the Portland Planning Region.

5.10.1.2 Applicability

The following access management standards apply to all properties abutting and street intersections along State Route 109 in the City of Portland and the Planning Region. If conflicts exist between the requirements of this Section and other Chapters of Zoning Ordinance or the Subdivision Regulations, the requirements of this Section shall supersede.

5.10.1.3 Street Spacing

Streets shall be spaced at increments of approximately 1,300 feet. Existing driveways shall be upgraded to streets and used as an access point when a property develops. If necessary, the access point shall also be relocated to comply with the 1,300 feet street spacing requirement, or to more evenly space access points along State Route 109.

5.10.1.4 Traffic Signals

Signalized intersections shall not be approved at increments less than 5,280 feet (1 mile). Any signal to be installed shall meet signal warrants as required by the TDOT Traffic Design Manual and receive approval from TDOT and the appropriate governmental authority.

5.10.1.5 Lot Frontage

No frontage along State Route 109 shall be used to meet the frontage requirements of the Zoning Ordinance or Subdivision Regulations unless a separate alley or frontage road is provided for access. Individual lots or parcels shall not have individual access to State Route 109.

5.10.1.6 Driveways

Driveways that have not been previously approved by TDOT shall not be approved by the Enforcing Officer.

5.10.1.7 Sidewalks

Generally, sidewalks should not be required on State Route 109, as the limited access requirements of the road limits locations for safe pedestrian crossings. At grade pedestrian crossing shall be limited to signalized intersections or as called for in Planning Documents adopted by the Board of Mayor and Aldermen. Planning Documents include but are not limited to a Land Use Plan, Transportation Plan, Corridor Plan, and/or other Small Area Plan. Sidewalks and other pedestrian pathways shall be included within developments along the Highway 109 corridor to ensure north-south movement of pedestrian to pedestrian crossings of Highway 109.

5.10.2 Other Arterials and Collectors

5.10.2.1 Purpose

The intent of this ordinance is to provide and manage access to land development while preserving the regional flow of traffic in terms of safety, capacity, and speed. If access systems are not properly designed, these major thoroughfares will be unable to accommodate the access needs of development and retain their primary transportation function. This ordinance balances the right of reasonable access to private property, with the right of the citizens of the City of Portland, Sumner County, and the State of Tennessee to safe and efficient travel.

5.10.2.2 Applicability

Access Management standards shall apply to all streets identified on a Tennessee Department of Transportation Functional Classification Map, any Transportation Plan Adopted by the Local Governing Body, or any Transportation Plan Adopted by the Planning Commission. The following access management standards apply to all properties abutting a functionally classified street or intersection within the Portland Planning Region. The provisions of Subsection [5.10.2 \(Other Arterials and Collectors\)](#) shall not apply to State Route 109, as State Route 109 is regulated by Subsection [5.10.1 \(State Route 109\)](#) or any other route specifically mention in these regulations. If conflicts exist between the requirements of this Section and other Chapters of Zoning Ordinance or these Subdivision Regulations, the requirements of this Section shall supersede.

5.10.2.3 Plat Notations

The Enforcing Officer shall create and require notes on all plats subject to this section of these regulations, to ensure compliance with the requirements of this section.

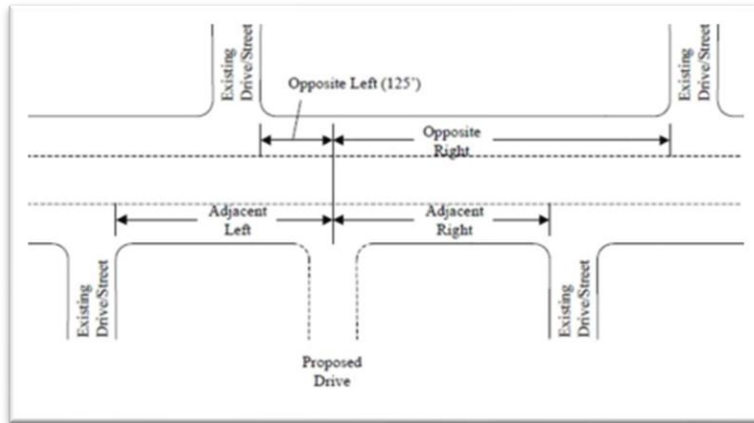
5.10.2.4 Traffic Signal Spacing

Signalized intersections shall not be approved at increments less than 2,400 feet along arterials and 1,200 feet along collectors. Any signal to be installed shall meet signal warrants as required by the TDOT Traffic Design Manual and receive approval from TDOT and the appropriate governmental authority.

5.10.2.5 Street Spacing

- 1) Street spacing shall be measured from the centerline of the proposed street pavement to the nearest edge of the street of the adjacent or opposite driveway or street as indicated in [Figure 5-8: Measuring Street and Driveway Access](#). Note that for all undivided arterial or collectors the spacing requirements apply to both opposite and adjacent streets and driveways. For any divided arterial or collector the measurement requirements apply only to the adjacent streets and driveways.

Figure 5-8: Measuring Street and Driveway Access



- 2) Separation between streets and driveways on all arterials and collectors shall be based upon the functional classification of the roadway in accordance with [Table 5-6: Street Spacing Requirements](#).

Table 5-6: Street Spacing Requirements

	Urban	Rural
Major Arterial	440 ft	660 ft
Minor Arterial	330 ft	440 ft
Collector	220 ft	440 ft

- 3) Opposite left street or driveway, as shown in [Table 5-1: Accesses Required by Number of Units](#), spacing shall be at least two-hundred (200) feet.
- 4) Existing driveways shall be upgraded to streets and used as an access point when a property develops. If necessary, the access point shall also be relocated to comply with spacing requirements, or to more evenly space access points along arterials and collectors.
- 5) Subdivisions on a single residential street ending in a cul-de-sac shall not exceed twenty (20) dwelling units, as allowed by the Zoning Ordinance.
- 6) Subdivision on a single commercial or industrial street shall not end in a permanent cul-de-sac.
- 7) The connection spacing requirements may be reduced in situations where they prove impractical due to topography or natural features, but in no case shall the permitted spacing be less than 80% of the applicable standard. Such a reduction in spacing requirements must still result, to the greatest extent possible, in uniform spacing between adjacent driveways. Reductions shall be made at the discretion of the Enforcing Officer.

5.10.2.6 Driveways

- 1) Driveway access spacing shall be measured from the centerline of the proposed driveway pavement to the nearest edge of the roadway of the adjacent or opposite driveway or street as indicated in [Figure 5-8: Measuring Street and Driveway Access](#). Note that for all undivided arterial or collectors

the spacing requirements apply to both opposite and adjacent streets and driveways. For any divided arterial or collector the measurement requirements apply only to the adjacent streets and driveways.

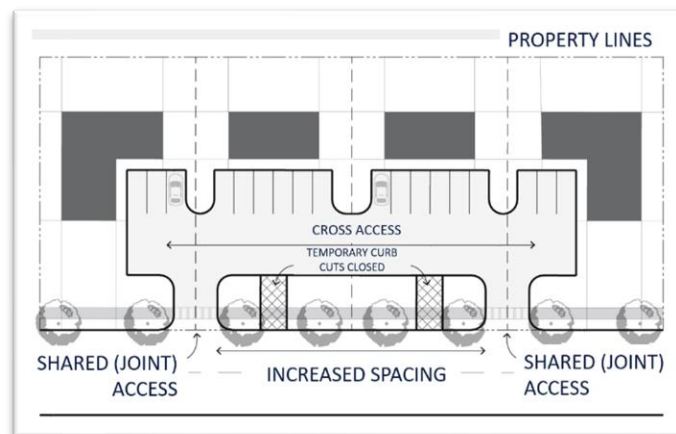
- 2) Separation between driveways on all arterials and collectors shall be based upon the functional classification of the roadway in accordance with [Table 5-7: Driveway Spacing Requirements](#).

Table 5-7: Driveway Spacing Requirements

	Urban	Rural
Major Arterial	440 ft	800 ft
Minor Arterial	330 ft	600 ft
Collector	220 ft	450 ft

- 3) Opposite left street or driveway, as shown in [Table 5-1: Accesses Required by Number of Units](#), spacing shall be at least two-hundred (200) feet.
- 4) No new access shall be permitted when a lot is subdivided unless the spacing requirements of this section can be met. Alleys, joint access easements, frontage roads, or reverse frontage roads shall be utilized to limit access points on to arterials and collectors.
- 5) Direct access to individual one- and two-family dwellings shall be prohibited on any United States Highway or Tennessee State Highway. Driveways that have not been previously approved by TDOT will not be approved by the Enforcing Officer. In the event of an access being abandoned driveways may be relocated to provide even spacing and more logical service to parcels.
- 6) The connection spacing requirements may be reduced in situations where they prove impractical due to topography or natural features, but in no case shall the permitted spacing be less than 80% of the applicable standard. Such a reduction in spacing requirements must still result, to the greatest extent possible, in uniform spacing between adjacent driveways. Reductions shall be made at the discretion of the Enforcing Officer.
- 7) Joint/Cross access easement(s) shall be required between adjacent lots fronting on arterial and collector streets in order to minimize the total number of access points along those streets and to facilitate traffic flow between lots. The location and dimensions of said easement(s) shall be reviewed and approved by the Enforcing Officer.

Figure 5-9: Joint/Cross Access Easement Example



- 8) Subdivisions with frontage on arterial street shall be designed with shared access points to and from the arterial street.

5.10.2.7 Corner Clearance

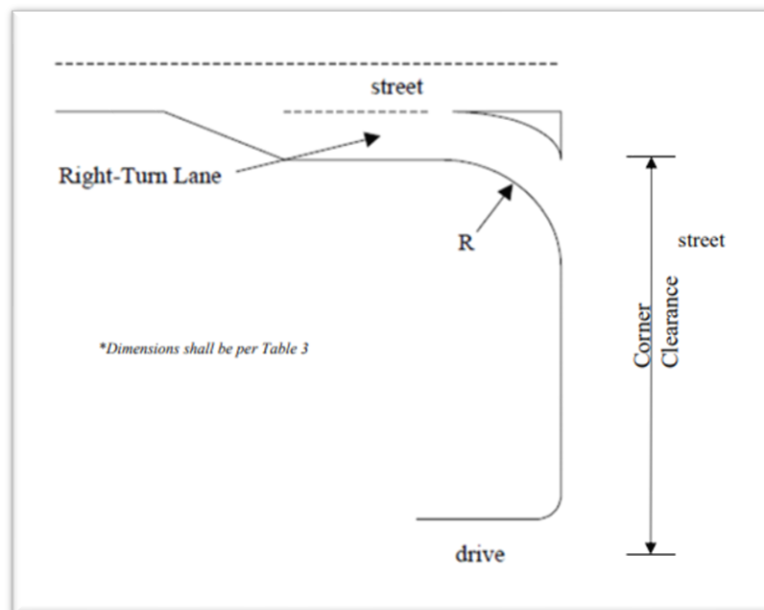
- 1) Corner clearance for street or driveway access on functionally classified streets shall meet or exceed the minimum street or driveway spacing requirements, as shown in [Table 5-6: Street Spacing Requirements](#), for streets or [Table 5-7: Driveway Spacing Requirements](#) for driveways.
- 2) No driveway on an intersecting street may be located closer to the corner than as shown in [Table 5-8: Corner Clearance Requirements](#), according to the distance listed in [Table 5-8: Corner Clearance Requirements](#).

Table 5-8: Corner Clearance Requirements

		Functional Classification of Street to Accessed by Street or Driveway		
		Arterials	Collectors	Locals
Functional Classification of Intersecting Street	Arterials	200 ft	150 ft	100 ft
	Collectors	150 ft	100 ft	50 ft
	Locals	125 ft	50 ft	N/A

- 3) Corner Clearance measurements shall be taken from the edge of pavement to the centerline of the proposed street or driveway, as shown in [Figure 5-10: How to Measure Corner Clearance](#).

Figure 5-10: How to Measure Corner Clearance



5.11 NONRESIDENTIAL SUBDIVISIONS

5.11.1 General

If a proposed subdivision includes land that is zoned for a commercial or industrial purpose, the layout of the subdivision with respect to such land shall adhere to such provisions as the Planning Commission may require. A nonresidential subdivision shall be subject to all the requirements of these regulations; as well as such additional standards as set forth by the Planning Commission.

5.11.2 Standards

In addition to the principles and standards in these regulations which are appropriate to the planning of all subdivisions, the subdivider shall demonstrate to the satisfaction of the Planning Commission that the public way, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

- 1) proposed industrial parcels shall be suitable in area and dimensions to the types of nonresidential development as outlined in the zoning ordinance
- 2) special requirements may be imposed by the governing body with respect to any public way, curb, gutter, and sidewalk design and construction specifications;
- 3) every effort shall be made to protect adjacent residential areas from potential nuisances from the proposed nonresidential subdivision, including provisions of extra depth in parcels abutting potential or existing residential development and provisions requiring permanently landscaped buffer strips, when necessary.

5.12 SUITABILITY OF LAND

The Planning Commission shall not approve the subdivision of land if after review by all relevant federal, state, and local agencies, it has been determined that in the best interest of the public the site is not suitable for platting and development purposes of the kind proposed.

Land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property or aggravate erosion or flood hazard. Such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation of land and shall not produce unsatisfactory living conditions.

5.12.1 Karst Features (Sinkholes)

Sinkholes are depressions formed in soluble rock by the erosion of subterranean water and is a potential point of significant groundwater recharge. Any sinkhole shall be designated as permanent conservation and drainage easements and shall have a dedicated twenty-five (25) foot wide buffer area around the top perimeter of such sinkhole. No structures, fill or development activity shall be permitted within the buffer area.

5.12.2 Floodplain/Floodway

Any lot identified in a FEMA Flood Insurance Study shall comply with the Flood Prevention Ordinance or any related regulation imposed the Local Governing Body. The Enforcing Officer and appropriate Department Heads may also impose special conditions on lots in areas of known local flooding to ensure water is not held under or around the foundation of structures.

5.12.3 Steep Slopes

Any lot or portion of a lot with a slope exceeding 20% shall be set aside and noted on the plat as a “No Disturbance Area”. No grading operations or construction of any kind shall be permitted within the “no disturbance area”.

5.12.4 Critical Lots

When a proposed lot contains natural or manmade features that affect the feasibility of construction, such a lot shall be designated a critical lot. Lots are designated as critical during the preliminary plat review process and/or subsequent subdivision submittals based on soil conditions, degree of slope, flooding, or other lot features, as detailed below.

1. When the lot is created on a natural slope of fifteen (15%) percent to twenty (20%) percent. Any lot/area with a slope exceeding twenty (20%) percent shall be set aside and noted on the plat as a “No Disturbance Area” that is not to be disturbed by grading operations. The Planning Commission has the right to grant special exceptions for construction and/or disturbance of areas with a slope exceeding twenty (20%) percent.
2. When it contains natural floodplain, as indicated on FEMA FIRM maps or is identified as local area prone to flooding by the Enforcing Officer.
3. If it is adjacent to a large and/or significant drainage channel, blue line stream, sinkhole, and/or otherwise low-lying area with the potential for flooding as determined by the Enforcing Officer.
4. If it contains an adverse earth formation/topography including but not limited to sinkholes or dropouts.
5. If it contains in entirety or in part any soils deemed to be hydric soils or other problematic soils including but not limited to Captina silt loam (CaB), Dickson silt loam (DkB2), Guthrie silt loam (GU), Humphreys gravelly silt loam (HuB), Melvin silt loam (Me), Nolin silt loam (No), Ocana gravelly silt loam (Oc), Taft silt loam (Ta), or other hydric soils.
6. Lots in floodplains shall be subject to the floodplain/floodway development standards of the City’s current Flood Prevention Ordinance.

A star symbol (*) shall be used to identify critical lots on the face of the preliminary plat, development plan, and final plat.

A critical lot designation can be removed if evidence has been presented to the Enforcing Officer that the lot no longer fits the definition of a critical lot.

Any lot that will be created as a result of the grading process that meets the definition of a critical lot shall also be identified as such on the final plat.

5.12.4.1 Prior to Preliminary Plat Approval

The Enforcing Officer shall require the applicant or developer to prepare and submit an overall grading and drainage plan, also known as a grading study, as part of the Subdivision’s Construction Plans. The grading study shall include how the developer is addressing all potential critical lot issues and shall be provided prior to approval of a preliminary plat for a subdivision that includes lots designated as critical. The grading study shall include a description of the measures to be taken:

1. To protect the natural features of the critical lots.
2. To minimize changes in grade, cleared area, and volume of cut or fill,
3. To control adverse impacts on the critical lots during and following the period of site disturbance.
4. To align streets to minimize disturbance of slopes.
5. To identify easements along property lines to meet future drainage needs.

5.12.4.2 Zoning Ordinance Requirements

All critical lots shall meet the applicable requirements of the Zoning Ordinance.

5.12.4.3 Critical Lot Plan Required

Prior to application for a building permit on all lots designated as “critical”, a scaled plan shall be submitted to the Enforcing Officer for approval drawn at a scale of 1” = 20’. Said plan shall be stamped by a State of

Tennessee licensed professional civil engineer specializing in geotechnical, soils, hydrology, and/or structures with a note of certification as to the soundness and stability of proposed structures on the property. The plan shall provide a survey of existing conditions extended a minimum of ten (10) feet outside the boundaries of the lot, details of the proposed development, and address any concerns in relation to the feasibility of construction as described in [5.12.4.5 \(Critical Lot Plan Requirements\)](#).

5.12.4.4 General Guides for the Critical Lot Plan

The following are typical review items, but not all inclusive:

5.12.4.5 Critical Lot Plan Requirements

At a minimum Critical Lot Plans must address the following items, more details may be required to be shown on such plans as requested by the Enforcing Officer, to ensure compliance with Section [5.12.4 \(Critical Lots\)](#). Including an application and Critical Lot Checklist available from the Enforcing Officer.

- 1) Driveways that cross sidewalks must be in compliance with the Local Governing Bodies standards and ADA accessibility standards.
- 2) The diversion of runoff away from foundations. A five (5%) percent grade over a minimum of 5' from the structure on all sides with the exception of the garage entrance is required. The garage entrance requires a minimum one (1%) percent grade .
- 3) Grading near lot boundaries that does not undercut trees on adjacent lots or concentrate stormwater flow to adjacent lots and structures.
- 4) Grading at the minimum necessary to allow for building construction.
- 5) Existing and proposed contour lines (including driveways) at a minimum of two (2) foot intervals (shown to a point 10 feet outside the lot boundaries);
- 6) The location and elevation of the curb or edge of pavement fronting the lot and the elevation of the driveway at the house;
- 7) Lot dimensions, easements, setbacks, etc. which are shown on the recorded plat or a note designating setbacks to be determined by the zoning and/or any easements if not shown on the plat;
- 8) Notations of significant natural features such as blue line streams, drainage ways, wetlands, marshes, springs, rock outcrops, and karst features such as dropouts and/or sinkholes; and,
- 9) If applicable, the floodplain and/or floodway as shown on the adopted FEMA FIRMs or as shown on the plat for local areas;
- 10) Exact proposed building footprint;
- 11) Garage and first floor elevations;
 - a) For lots in a FEMA designated floodplain, the plan shall show minimum finished floor elevation (includes garage), and HVAC unit elevations based on the current floodplain ordinance;
 - b) For lots in a local designated floodplain or flood prone area, the plan shall show minimum crawlspace elevation (includes garage), and HVAC unit elevations based on the current floodplain ordinance or stormwater ordinance;
 - c) For lots not in a designated floodplain, but adjacent to a large drainage channel, blue line stream, sinkhole, and/or otherwise low lying area with the potential for flooding, the plan shall show minimum finished floor elevation or minimum crawlspace elevation (includes garage), and HVAC unit elevations based on the requirements determined by the Enforcing Officer;
- 12) Proposed driveway access dimensions and distance from property line;
- 13) Location of other proposed lot improvements;
- 14) Top and bottom elevations of retaining walls and materials of wall construction;
- 15) Avoidance of excessive foundation and retaining wall heights;
- 16) Design details of any retaining walls subject to structural loading.

- 17) Specified and illustrated methods for stabilization of the lot including temporary measures for construction purposes and permanent stabilization after construction;
- 18) Limits of grading;
- 19) Arrows showing direction of water draining away from structures;
- 20) Methods of managing storm water runoff;
- 21) The name, address, and phone number of the professional responsible for the design of the Critical Lot Plan;
- 22) The name, address and phone number of the owner of the lot;
- 23) The name, address and phone number of the builder that will be working on the site;
- 24) One of the above three individuals must be designated as the primary contact on the cover sheet of the plan;
- 25) Any other information the Enforcing Officer deems reasonably necessary in the evaluation of such critical lots;
- 26) The Enforcing Officer may request additional technical evaluation and analysis of a proposed critical lot by a professional engineer specializing in geotechnical, soils, hydrology, and/or structures;

5.12.4.6 Critical Lot Plan Review and Approval

Three (3) copies or a digital submittal, as required by the Enforcing Officer, of the critical lot plan shall be submitted to the Enforcing Officer to initiate a staff review, prior to issuance of a building permit. The critical lot plan shall include the name and phone number of the Design Engineer and the name and phone number for a developer and/or applicant. Within 14 days of the submittal date, the Enforcing Officer shall notify the applicant of the approval or disapproval of the plan or with any changes necessary to gain approval.

Critical lot plan approval shall be based on the care taken to minimize the lot area subject to grading, the amount of cut and/or fill required to prepare the lot for construction, and the effectiveness of the plan to preserve the natural features of the lot and stormwater flow management details.

5.12.4.7 Issuance of Building Permits

No building permit shall be issued at any time prior to approval of the critical lot plan.

5.12.4.8 Issuance of a Certificate of Occupancy

No Certificate of Occupancy will be issued for any lot designated as critical until certification from the Design Engineer has been provided to the Enforcing Officer stating that the site has been built per the approved Critical Lot Plan. For lots that required a minimum finished floor elevation or minimum crawlspace elevation, certification from a registered surveyor is required stating the exact elevations of all structures including garages.

5.13 LARGE TRACTS OR PARCELS

When land is subdivided into parcels greater than one and a half (1.5) times the minimum lot size required for that zoning district, such parcels shall be arranged so as to allow for the opening of future streets and logical further resubdivision.

5.14 ROAD FRONTAGE LOTS

Lots that are subdivided along an existing street or road shall provide at least one fifty (50) foot wide access for every ten (10) lots or every one thousand two hundred (1,200) feet, whichever is least, when the remainder could be further subdivided. The access shall not be provided through an easement. This section shall not be construed to allow flag lots, as prohibited by Section 5.3.2 (Flag Lots).

5.15 COMMON OPEN SPACE

5.15.1 Reservation of Open Space

The Planning Commission encourages providing open space within a subdivision as a way to provide passive recreation to those living in the subdivision or to preserve environmental features. These regulations do not set a percentage of common open space area required to be provided, with the exception of Conservation Subdivisions. Any common open spaces shall to be maintained by a homeowners' association or other third-party entity and shall not become a part of the Local Governing Body's Park system. Only the Local Governing Body may agree to accept open space into the park system prior to the final plat approval.

5.15.2 General Guidelines for providing Open Space

The configuration of proposed Common Open Space Lands set aside for common use by all residents in residential subdivisions shall:

- 1) Be free of all structures except historic buildings, stone walls, and structures related to the open space uses. The Planning Commission may grant approval of structures and improvements required for storm drainage, sewage treatment and water supply within the open space provided that such facilities would not be detrimental to the intended use of the open space. The Planning Commission may also grant permission to construct small, modest buildings for recreational uses, such as park shelters, etc. as permitted in the Zoning Ordinance.
- 2) Generally, not include parcels smaller than three (3) acres, have a length-to-width ratio of less than four to one (4:1), or be less than seventy-five (75) feet in width, whichever is more restrictive shall apply, except for such lands specifically designed as neighborhood greens, playing fields or trail links.
- 3) Be directly accessible to the largest practicable number of lots within the subdivision. Non-adjointing lots shall be provided with safe and convenient pedestrian access to Common Open Space Land.
- 4) Be suitable for active recreational uses to the extent deemed necessary by the Planning Commission.
- 5) Be interconnected wherever possible to provide a continuous pedestrian network within the subdivision and with the adjoining the subdivision's common open space. Developers shall provide for pedestrian circulation within the common open space area. Consideration shall be given to providing public access if such trails are linked to other publicly-accessible pathway systems within the City. Non-pedestrian access shall be provided for common open space to allow for land management and emergency purposes.
- 6) Be undivided by public or private streets, except where necessary for proper traffic circulation and to ensure compliance with other application sections of these Regulations.
- 7) Be suitably landscaped either by retaining existing natural cover and wooded areas and/or landscaping with native trees, shrubs, and wildflowers.
- 8) Be consistent with the City's Development Plan and its Open Space Plan.

5.15.3 Open Space Ownership Options

The following methods may be used, either individually or in combination, to establish ownership of common open space or common facilities. Common open space and common facilities shall not be transferred by any means not outlined in this section and then only when there is no change in the common open space or common facilities or in the open space ratio of the overall development. Ownership methods shall conform one of the following sections.

5.15.3.1 Condominium Association

Common facilities may be controlled through the use of condominium agreements. Such agreements shall be in accordance with relevant state law. All open land and common facilities shall be held as "common elements".

5.15.3.2 Homeowners' Association

An incorporated community association responsible for the maintenance and management of commonly owned properties or facilities. Any land dedicated to a sewage disposal system or a conventional storm-water management device that requires a disturbance to the land shall be owned by the homeowners' association and shall be considered lands held in common.

5.15.3.3 Individual/Entity Ownership

An individual, a group of individuals, a nonprofit organization or a public body may hold a fee simple title to the common open space not owned by the homeowners' association subject to use of the land in conformance with the Open Space Management Plan, or granting of a permanent conservation easement to a third party.

5.15.3.4 Private Conservation Organization

In a Conservation Subdivision the Conservation Lands may be transferred via fee simple title to a private non-profit conservation organization provided that:

- 1) The conservation organization is acceptable to the Enforcing Officer and Planning Commission and is a bona fide conservation organization intended to exist indefinitely;
- 2) The conveyance contains appropriate provisions for proper reverting procedure or retransfer in the event that the organization or the City becomes unwilling or unable to continue to carrying out its functions.
- 3) The common open space is permanently restricted from future development through a conservation easement and the City is given the ability to enforce these restrictions; and,
- 4) The existing maintenance agreement is maintained.

5.15.4 Maintenance of Open Space

5.15.4.1 Responsibility for Maintenance

Unless otherwise agreed to by the governing body, the cost and responsibility of maintaining common facilities and Open Space Land shall be borne by the property owner, condominium association, homeowners' association, or conservation organization.

5.15.4.2 Open Space Maintenance Plan

The applicant shall, at the time of Preliminary Plat submission, provide a Plan for the Maintenance of Common Open Space and Operation of Common Facilities in accordance with the following requirements: (This Plan may be based on the model by the Natural Lands Trust, Media, PA.) Open Space Maintenance Plans shall be recorded at the appropriate Registrar's Office prior to the recording of the final plat. Said recording shall also be referenced on the Final Plat. Common Open Space Maintenance Plans shall include the following information:

- 1) The Plan shall define ownership;
- 2) A survey indicating the precise boundaries, and exact acreage;
- 3) A narrative report shall be included and indicate how common open space areas will be managed,
- 4) Articles of incorporation and by-laws of the co-owners association or other legal entity (where open space or facilities are to be deeded to a co-owners association or similar organization acting on behalf of the joint owners of said property) charged with improving or maintaining the open space

or facilities, and declaration of covenants and restrictions pertaining to each and every property within the subdivision;

- 5) The Plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (i.e., lawns, playing fields, meadows, pastures, cropland, woodlands, etc.);
- 6) The Plan shall estimate staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the Open Space land and operation of any common facilities on an on-going basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs;
- 7) At the City's discretion, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of common facilities for up to one year; and,
- 8) Any changes to the maintenance plan shall be approved by the Planning Commission.

5.15.4.3 Maintenance of Natural Features

Natural features located on open space shall be maintained in their improved or natural condition. The cost and responsibility of maintaining open spaces and any facilities located thereon shall be borne by the property owner(s) as described in Section [5.15.3 \(Open Space Ownership Options\)](#). Permitted modifications include:

- 1) Reforestation.
- 2) Woodland management.
- 3) Pasture or cropland management on existing pasture and cropland.
- 4) Buffer area landscaping.
- 5) Stream bank protection.
- 6) Wetlands management.
- 7) Trails management.

5.15.4.4 Failure to Maintain and Corrective Action

In the event that the organization established to maintain the common open space and the common facilities, or any successor organization thereto, fails to maintain all or any portion thereof in reasonable order and condition, the City may assume responsibility for maintenance. The City may enter the premises and take corrective action, including extended maintenance. The costs of such corrective action may be charged to the property owner, condominium association, homeowners' association, conservation organization, or individual property owners who make up a condominium or homeowners' association and may include administrative costs and penalties. Such costs shall become a lien on said properties.

5.15.5 Conservation Land as Open Space

This section shall apply only to open spaces created as required in the [Article 6: Conservation Subdivisions](#). Conservation Subdivisions shall be subject to this Subsection [5.15.5 \(Conservation Land as Open Space\)](#) and all other portions of Section [5.15 \(Common Open Space\)](#) if a conflict exist, the declarations of this subsection shall supersede.

5.15.5.1 Legal Instrument for Permanent Protection

Any Conservation Lands provided as a part of a conservation subdivision shall have in place a conservation easement or other instrument as approved by the Planning Commission and Enforcing Officer to protect the Conservation Land in perpetuity regardless of future ownership.

5.15.5.2 Conservation Easement Holder

5.15.5.2.1 Conservation Easement Holder Alternatives

A Conservation Easement on Conservation Lands not owned by the homeowners' association shall be held by one of the following:

5.15.5.2.2 A Nonprofit Organization

A nonprofit organization devoted the conservation and preservation of land may be designated as the holder of the Conservation Easement for the Conservation Land not owned by the homeowners' association. The focus of the conservation and preservation activities of the nonprofit shall include one or more of the following:

- 1) Historic sites.
- 2) Archeological sites.
- 3) Agricultural uses.
- 4) Natural and hazard areas including:
 - a. Perennial and intermittent streams and associated floodways.
 - b. Floodplains.
 - c. Steeply sloped land.
 - d. Wetlands.
 - e. Known habitat for rare, threatened, or endangered species.
 - f. Forests or meadowlands.

5.15.5.2.2.1 Public Agency

A Public Agency, not associated with the City, involved in Conservation and Preservation may be designated as the holder of the Conservation Easement for the Conservation Land not owned by the homeowners' association.

5.15.5.2.3 Conservation Easement Holder in Place

The conservation easement holder shall be in place before building permits are issued.

5.16 HOMEOWNERS' ASSOCIATION

When common open space is to be held and owned by a homeowners' association the following provisions shall be established and membership in the association shall be mandatory for all purchasers of homes in the development and their successors.

5.16.1 By-Laws

The homeowners' association by-laws, guaranteeing continuing maintenance of the open space and other common facilities, and the declaration of covenants, conditions, and restrictions of the homeowners' association shall be submitted to the Enforcing Officer as part of the information required for the Preliminary Plat.

5.16.2 Required Information

The homeowners' association by-laws or the declaration of covenants, conditions and restrictions of the homeowners' association are required to be submitted to the Enforcing Officer and shall contain the following information:

- 1) The legal description of the common land including any working agricultural uses as appropriate.
- 2) A description of common facilities.
- 3) The restrictions placed upon the use and enjoyment of the lands or facilities.
- 4) Persons or entities authorized to enforce the restrictions.
- 5) A mechanism to assess and enforce the common expenses for the land or facilities including upkeep and maintenance expenses, real estate taxes, and insurance premiums.
- 6) A mechanism for resolving disputes among the owners or association members.
- 7) The conditions and timing of the transfer of ownership and control of land and facilities to the association.

- 8) Any other matter the developer deems appropriate.

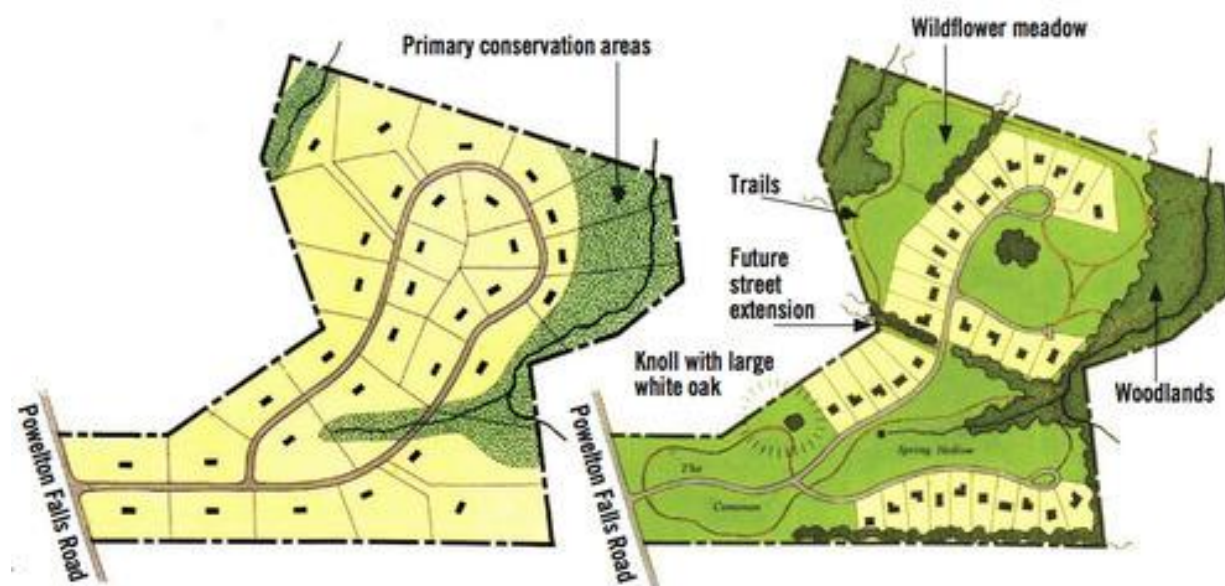
5.17 ZONING OR OTHER REGULATIONS

No final plat of land within the force and effect of an existing zoning ordinance will be approved unless it conforms to such ordinance. Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in zoning ordinance, building code, or other official regulations, the most restrictive standard shall apply.

Article 6: CONSERVATION SUBDIVISIONS

Conservation subdivisions are a design approach for conserving existing natural and cultural resources, although a limited amount of active recreation is permissible (such as trails and greens). Conservation subdivisions are generally "density-neutral", meaning that the overall number of dwellings built is not different from that done in conventional developments. Conservation subdivisions are specifically designed around each site's most significant natural and cultural resources, with their open space networks being the first element to be "green-lined" in the design process. This open space includes all of the "Primary Conservation Areas" (inherently unbuildable wetlands, floodplains, and steep slopes), with "Secondary Conservation Areas" potentially constituting the remainder and protecting cultural resources.

Figure 6-1: Conservations vs. Traditional Subdivision



6.1 PURPOSES AND APPLICABILITY

6.1.1 Purpose

These standards are intended to conserve significant Conservation Lands, consistent with the preservation goals and policies contained in the City's Comprehensive Plan, and in a manner that respects the equity of landowners and the ability of developers to subdivide land at the density normally permitted in the underlying zoning district. Conservation subdivisions accomplish this objective through the application of conservation design principles in new subdivisions.

The purpose of this section includes the following in conformance with the City's Comprehensive Plan or Other Development Plans and state enabling legislation.

- 1) To conserve undeveloped land, especially those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, floodplains and wetlands, by setting them aside from development;
- 2) To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce the length of roads, utility runs, site grading, and the amount of paving required for residential development;

- 3) To reduce erosion and sedimentation by retention of existing vegetation, and the minimization of development on steep slopes;
- 4) To promote the infiltration of storm water on-site, thereby helping to recharge groundwater supplies.
- 5) To provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences, so that the community's population diversity may be maintained;
- 6) To implement adopted City policies to conserve a variety of irreplaceable and environmentally sensitive resource lands, including provisions for reasonable incentives to create a greenway system for the benefit of current and future residents;
- 7) To minimize impacts on environmental resources (sensitive lands such as wetlands, floodplains, and steep slopes) and disturbance of natural or cultural features (such as mature woodlands, hedgerows and tree lines, critical wildlife habitats, historic buildings, and fieldstone walls); as well as to provide opportunities to enhance or restore existing resources that have been diminished or degraded in the past;
- 8) To protect areas of the City with productive agricultural soils for continued or future agricultural use;
- 9) To create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood open space, and with a strong neighborhood identity;
- 10) To provide for the conservation and maintenance of open land within the City to achieve the above-mentioned goals and for active or passive recreational use by residents;
- 11) To conserve scenic views and elements of the City's rural character, and to minimize perceived density, by minimizing views of new development from existing roads.

6.1.2 Applicability

This Conservation Subdivisions shall only be allowed within the Corporate Limits (City Limits) of the City of Portland for any residential zoning districts allowing only Dwelling, one-family detached and Dwelling, two-family detached.

6.2 APPROVAL PROCEDURES

6.2.1 General

Approval of Conservation Subdivisions shall follow the procedures as described in [Article 3: Procedure for Subdivision Submission and Approval](#), of these regulations.

6.2.1.1 Additional Requirements and Review for the Conceptual Plan

In addition to standard subdivision review, review of the Conceptual Plan for a Conservation Subdivision shall include:

- 1) Location of the boundaries of the areas to be included as Conservation Lands as described in Subsections [6.3.1, \(Primary Conservation Areas\)](#), and [6.3.2, \(Secondary Conservation Areas\)](#).
- 2) Location of all areas proposed for grading and other land disturbance with respect to notable features of natural, historical, or cultural significance identified by the applicant as part of the Existing Resources and Site Analysis required by Subsection [3.5.5 \(Existing Resources and Site Analysis\)](#).
- 3) Proposal for minimization of development impacts on resources to be conserved.
- 4) When parks, green spaces, and other open spaces exist in neighboring subdivisions every effort shall be made to logically connect the Conservation Lands with the existing parks, green spaces and other open space networks.

6.2.2 Additional Requirements and Review for the Preliminary Plat

In addition to standard subdivision review, review of the Development Plan for a Conservation Subdivision shall include:

- 1) A description of the measures to be taken to minimize and control adverse impacts on the Conservation Lands during and following the period of site disturbance and construction.
- 2) Evaluation of the Preliminary Conservation Ownership and Management Plan outlining the entities proposed to be responsible for maintaining various elements of the property and describing proposed management objectives and techniques.

6.2.3 Additional Requirements and Review for the Final Subdivision Plat

In addition to the Final Plat requirements presented in [Article 3](#), a Final Open Space Maintenance Plan as required in Subsection [5.15.4.2 \(Open Space Maintenance Plan\)](#), detailing precise boundaries and exact acreage of all proposed Conservation Lands and the entities to be responsible for maintaining various elements of the property and describing proposed management objectives and techniques shall be required. Conservation Lands shall be shown as open space on the final plat. The location of all operating parts of any individual sewage disposal systems situated on lands held in common, but not included as conservation lands, and any easements shall be shown on the final subdivision plat.

6.3 CONSERVATION LANDS

Conservation Lands shall be undisturbed areas of at least twenty (20) percent of the gross area of the tract being subdivided. Conservation lands are categorized as either Primary or Secondary Conservation Areas. All lands identified as Primary Conservation Areas shall be required to be designated as Conservation Lands. If the Primary Conservation area constitutes less than twenty (20) percent of the gross area tract, the remainder of the required Conservation Lands shall be made up of Secondary Conservation Areas, in no case shall the Secondary Conservation Area exceed thirty (30) percent of the total Conservation Lands (or 6% of the gross tract area).

6.3.1 Primary Conservation Areas

At least seventy (70%) percent of the conservation lands shall be composed of land classified as primary conservation area. The following shall be considered Primary Conservation Areas and shall be included as Conservation Lands, unless the applicant demonstrates that this provision would be counter to the purposes of this article:

- 1) Any land considered a critical lot by these regulations as outlined in Section [5.12.4 \(Critical Lots\)](#).

6.3.2 Secondary Conservation Areas

If needed, the remaining conservation lands may be composed of land being classified as secondary conservation areas. The following shall be considered Secondary Conservation Areas and shall be included in the Conservation Lands to meet minimum area percentage requirements for conservation lands and shall not exceed thirty (30) percent of the total Conservation Lands:

- 1) Existing healthy, native forests of a least one (1) acre of contiguous area.
- 2) Prime farmland soils and land in agricultural use.
- 3) Designated historic and specimen trees.
- 4) Other significant natural features and scenic viewsheds.
- 5) Existing and planned trails that connect the tract to neighboring areas
- 6) Significant historical and cultural sites.
- 7) Known habitat for rare, threatened, or endangered species.
- 8) Archaeological sites, cemeteries and burial grounds.

6.4 LOT REQUIREMENTS

6.4.1 Lot Yield

The maximum lot yield for each lot in a Conservation Subdivision shall be determined by subtracting the land proposed to be used as right-of-way from the total gross area then dividing that the minimum area per unit for the applicable zoning district.

$$\text{Number of Units Permitted} = \frac{(\text{Gross Area} - \text{ROW})}{\text{Minimum area per unit}}$$

6.4.2 Lot Area (Minimum Size)

The minimum lot area, as designated by the underlying zoning outlined in the Zoning Ordinance, shall be reduced by the equivalent percentage of conservation area conserved under this Article. (i.e. when thirty (30) percent of the gross area is preserved as conservation lands then the minimum lot size for the remaining area may be reduced by thirty (30) percent). In no case shall the lot size be reduced to less than 4,000 square feet.

6.4.3 Lot Arrangement

Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines.

6.4.4 Corner Lots

Corner lots shall be sufficiently wider and larger to permit the additional side yard requirements of the Zoning Ordinance. Information shall be provided on the Final Plat showing which direction a house located on a corner lot will face.

6.4.5 Lot Frontage

The minimum lot frontage, within a conservation subdivision, on a public way shall be forty (40) feet, including lots placed on the radius of a cul-de-sac.

6.4.6 Lot Frontage for Conservation Lands

Conservation Subdivisions shall have a forty (40) foot pedestrian access that leads to the nearest trail within the Conservation Lands located at least every fifteen lots or one-thousand (1,000) feet, whichever is greater.

6.4.7 Minimum Setbacks

6.4.7.1 Front Setbacks

The minimum front setback for residences with no front-facing garages or detached garages shall be twenty (20) feet. For residences with an attached front-facing garage the minimum front setback shall be forty (40) feet or as required for the zoning district by the Zoning Ordinance, whichever is greater shall apply.

6.4.7.2 Side Setbacks

The minimum side setback for lots within the conservation subdivision is five (5) feet. When adjoining a lot in any other zoning district or any lot not a part of the conservation subdivision, the side yard shall be a minimum of ten (10) feet.

6.4.7.3 Rear Setbacks

The minimum rear setback for residences is twenty (20) feet.

6.4.7.4 Corner Lot Front Setback

6.4.7.5 Alternative Setbacks

The Planning Commission may approve alternative side and rear setbacks for specific lots in the subdivision based upon an individual review and recommendations, from the Enforcing Officer, for a deviation.

6.5 STANDARDS FOR CONSERVATION LANDS

A major element of conservation subdivision design is to identify sensitive natural features of a site and to protect them and preserve their continuity both within the site and where they continue into adjacent lands. These lands should be delineated on the subdivision maps and permanently preserved as “conservation land preserved as common open space”. Conservation Lands shall be subject to the following standards.

6.5.1 Minimum Area

Designated Conservation Lands shall include at least the minimum percentage of the site required by Section [6.3 \(Conservation Lands\)](#).

6.5.2 Uses Permitted on Secondary Conservation Lands

The following uses are permitted on Conservation Lands:

- 1) Conservation of open land in its undisturbed natural state (for example, woodland, fallow field, or managed meadow);
- 2) Agricultural and horticultural uses, including raising crops or livestock, wholesale nurseries, associated buildings, excluding residences that are specifically needed to support an active, viable agricultural or horticultural operation. Specifically excluded are commercial livestock operations involving swine, poultry, mink, and other animals likely to produce highly offensive odors.
- 3) Pastureland for horses used solely for recreational purposes. Equestrian facilities shall be permitted but may not utilize more than half of the minimum required Conservation Lands.
- 4) Silviculture, in keeping with established standards for selective harvesting and sustained-yield forestry.
- 5) Neighborhood open space uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses, specifically excluding motorized off-road vehicles, rifle ranges, and other uses similar in character and potential impact as determined by the Planning Commission.
- 6) Active non-commercial recreation areas, such as playfields, playgrounds, courts, and bikeways, provided such areas do not consume more than half of the minimum required Conservation Lands. Playing fields, playgrounds, and courts shall not be located within two hundred (200) feet of abutting properties.

6.5.3 Design Standards for Conservation Lands

- 1) Conservation Lands shall be laid out to ensure that an interconnected network of common open space will be provided, to the greatest extent practical, taking into account lands within the proposed subdivision and lands adjacent to it. Required Conservation Lands shall consist of Primary Conservation Areas, all of which must be included, and Secondary Conservation Areas. Primary conservation areas include those areas listed in Subsection [6.3.1 \(Primary Conservation Areas\)](#). Secondary areas include other natural and/or special features of the property that create value to the livability and enjoyment of the development as a whole.
- 2) Conservation Lands may be owned and maintained by a homeowners’ association, land trust, another conservation organization recognized by the City, or by a private individual (when properly protected by an approved conservation easement). In no case, however, shall less than thirty (30) percent of the land comprising the conservation land acreage be available for the common use and

passive enjoyment of the subdivision residents. These ownership options may be combined so that different parts of the Conservation Lands may be owned by different entities.

- 3) Up to ten (10) percent of the total conservation land acreage may be subject to the City's public land dedication requirement (typically to provide potential connections with the City's long-range trail network).
- 4) Buffers for Adjacent Public Parkland: Where the proposed development adjoins public parkland, a natural buffer at least one-hundred-fifty (150) feet deep shall be provided within the development along its common boundary with the parkland, within which no new structures shall be constructed, nor shall any clearing of trees or understory growth be permitted (except as may be necessary for street or trail construction).

6.5.4 Other Requirements

- 1) No portion of any building lot may be used for meeting the minimum required Conservation Lands. However, active agricultural land with farm buildings, excluding areas used for residences, may be used to meet the minimum required Conservation Lands.
- 2) Pedestrian and maintenance access, excluding those lands used for agricultural or horticultural purposes, shall be provided to Conservation Lands in accordance with the following requirements.
 - a) Each neighborhood shall be provided with at least one centrally located access point a minimum of thirty-five (35) feet in width per fifteen (15) lots.
 - b) Access to Conservation Lands used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural operations.
 - c) All Conservation Lands that are not wooded or farmed shall be suitably landscaped.

6.5.5 Open Space Design, Connection and Access

When locating Conservation Lands the applicant shall:

- 1) Clearly delineate through signage or other means boundaries between individual development lots and Conservation Lands
- 2) Connect proposed Conservation Lands to any neighboring areas of open space or protected areas whenever possible.
- 3) Develop a pathway system connecting Conservation Lands accessible to neighborhood residents and neighborhood streets or to planned or developed trails on adjacent tracts.
- 4) Ensure the portion of Conservation Lands designed to provide plant and animal habitat be kept as intact as possible and trails shall be designed to avoid fragmenting these areas.
- 5) Every effort shall be made to ensure that Conservation Lands are contiguous. Narrow or isolated fragments of Conservation Lands shall be avoided. Conservation Lands shall be at least 25 feet wide and at least cover 30,000 square feet contiguously.

6.6 STREET DESIGN IN CONSERVATION SUBDIVISIONS

6.6.1 General Design Parameters

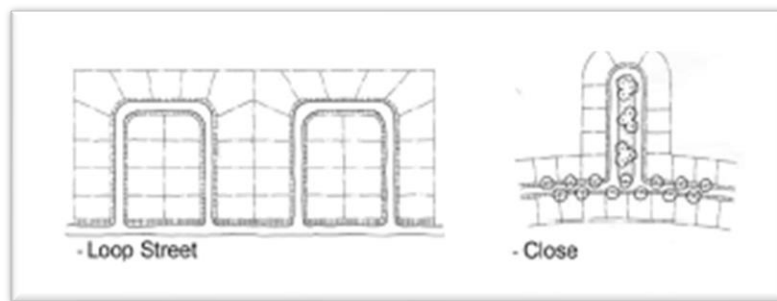
The street network shall be designed to:

- 1) Preserve existing tree lines, hedgerows, and watercourses.
- 2) Minimize alteration of natural, cultural, or historic features.
- 3) Promote pedestrian movement.
- 4) Secure the view to prominent natural vistas.
- 5) Minimize crossing of Primary Conservation Areas. This shall not prevent the Enforcing Officer from requiring the Primary Conservation Areas to be crossed.
- 6) Street connections shall minimize the number of cul-de-sacs and facilitate access to and from building areas in different parts of the property and adjoining properties.

6.6.2 Detailed Design Elements

- 1) The street network shall form a connected pattern.
- 2) The street pattern shall be designed to respect and follow existing terrain as much as possible to minimize earthmoving and disturbance of the existing topography.
- 3) Streets may take the form of a two-way street, a pair of one-way streets on either side of a landscaped median or a one-way loop street around a small neighborhood green.
- 4) Streets shall be designed using the appropriate street design contained in these regulations. (See Subsection [5.4.5 \(Street Design\)](#), and accompanying [Table 5-4: Street Standards - Minimum Standards](#).)
- 5) Connections shall be provided to existing or proposed through-streets or collectors adjacent to the subdivision, wherever practicable.
- 6) Cul-de-sacs are generally prohibited and shall be permitted only where all other street design alternatives, such as loop streets or closes shown in [Figure 6-2: Alternatives to Culs-de-sac](#), are not feasible and one of the following two conditions exist:
 - a) Where natural features such as wetlands or steep slopes exist or other primary or secondary conservation areas that would be detrimental to remove.
 - b) Where a connection to an existing or planned street is blocked by an existing permanent structure, an existing or planned freeway, or an existing common open space.

Figure 6-2: Alternatives to Culs-de-sac



6.6.3 Requirements for Alleys

Alleys shall be strongly encouraged where practicable to reduce the need for curb cuts. Any development including alleys shall meet the requirements of Section [5.4.7 \(Alleys\)](#).

6.7 CONSERVATION LAND AS COMMON OPEN SPACE

Conservation Lands being preserved shall meet the requirements of Section [5.15 \(Common Open Space\)](#) for maintenance, ownership, and all other requirements.

6.8 DESIGN PROCESS FOR CONSERVATION SUBDIVISIONS

All Conceptual Plans for Conservation Subdivisions shall include documentation of a four-step design process in determining the layout of proposed Conservation Lands, house sites, streets and lot lines. The necessary steps are described below and illustrated in [Figure 6-3: Design Process for Conservation Subdivisions](#).

Step 1: Delineation of Conservation Lands

- 1) The percentage and acreage of required Conservation Lands, broken down as primary and secondary conservation lands, shall be calculated by the applicant and submitted as part of the Conceptual Plan. Street rights-of-way shall not be counted towards the required minimum Conservation Lands.

- 2) Lands to be included as Conservation Lands shall be delineated in the following manner:
- a) All Primary Conservation Areas
 - b) If the Primary Conservation Areas does not constitute at least seventy (70) percent of the conservation lands (or 14% of the gross lot area), Secondary Conservation Areas shall be delineated to meet at least the minimum area percentage requirements. Secondary Conservation Areas shall be chosen for inclusion based on the priorities determined in [Subsection 6.3.2 \(Secondary Conservation Areas\)](#), the configuration of the tract, the tract's context to adjacent resource areas, and the applicant's subdivision objectives.
 - c) Conservation Lands situated outside of individual development lots shall be delineated in a manner clearly indicating their boundaries as well as types of resources included within them.

Figure 6-3: Design Process for Conservation Subdivisions



Step 2: Location of Building Areas

Potential building areas shall be tentatively located using the map delineating Conservation Lands, supplemented by existing conditions data required for Conceptual Plan approval. Buildings should generally be located no closer than one-hundred (100) feet from Primary Conservation Areas and fifty (50) feet from Secondary Conservation Areas, taking into consideration the potential negative impacts of residential development on such areas as well as the potential positive benefits of such locations to provide attractive views and visual settings for residences. Locating building areas on ridges, hilltops, along peripheral public streets or in other visually prominent areas should be minimized.

Step 3: Alignment of Streets and Trails

After designating the building areas, streets shall be designed to provide vehicular access to each building area, complying with the standards in these Subdivision Regulations and bearing a logical relationship to the topography of the property. Impacts of the street plan on proposed Conservation Lands shall be minimized, particularly with respect to crossing environmentally sensitive areas such as wetlands, streams, and slopes exceeding twenty (20) percent.

Step 4: Drawing in the Lot Lines

Upon completion of the preceding three steps, lot lines shall be drawn as required to delineate the boundaries of individual residential lots.

6.9 HOMEOWNERS' ASSOCIATION

6.9.1 Homeowners' Association Required

A homeowners' association shall be established and membership in the association shall be mandatory for all purchasers of homes in a conservation subdivision and their successors. Homeowners' associations shall also be governed by Section [5.16 \(Homeowners' Association\)](#).

Article 7: TRADITIONAL NEIGHBORHOOD DESIGN

7.1 GENERAL

7.1.1 Purpose

The purpose of the requirements of this Article is to promote urban forms of development. The greatest impact that the traditional neighborhood design Subdivision Regulations have on creating urban development patterns is through the regulation of block size, the scale of the street relative to the anticipated uses, street connectivity, additional pedestrian connections, and requirements for open space such as neighborhood parks or urban plazas. Traditional Neighborhood Design or TND Subdivisions facilitate creation of more urban, walkable communities through improved pedestrian connections. In addition, through greater street connectivity, TND Subdivisions can improve the function of the arterial road system by keeping local trips on local streets.

7.1.2 Intent

This Article is designed to be used for infill subdivisions that are built for urban densities and are intended to be part of a larger, integrated, connected community as well as for subdivisions that may contain a single use or a mix of uses. Developments of this type create a pattern that initiates or adds to a well-connected street system that promotes walkable, urban communities. TND Subdivisions contribute to the creation of complete mixed-use neighborhoods. Key features of TND neighborhoods include:

- 1) Street networks, scaled relative to the anticipated uses on a block, that disperse traffic and offer a variety of pedestrian and vehicular routes to destinations while connecting and integrating the neighborhood with surrounding communities.
- 2) A center that ideally includes a mix of uses and building types as well as a central public gathering space.
- 3) A variety of housing options.
- 4) A diverse mix of activities (residences, shops, schools, workplaces and parks, etc.) occurring cohesively in close proximity.
- 5) A range of transportation options including cars, public transit, bicycles and walking.
- 6) Well-designed open spaces, greens, and parks, accessible and convenient to all.

7.1.3 Applicability

This Traditional Neighborhood Development Subdivisions shall only be allowed within the Corporate Limits (City Limits) of the City of Portland for any residential or mixed-use zoning.

7.2 STANDARDS FOR TRADITIONAL NEIGHBORHOOD DESIGN

7.2.1 Application of Requirements

In addition to the requirements for all subdivisions presented in [Article 1](#) through [Article 5](#), the standards of this Article shall apply to TND Subdivisions.

7.2.2 Alternative Standards

Where a development is regulated by an Urban Design Overlay, Planned Unit Development or other district governed by urban design standards that set out special design intentions differing from the standards of this Article that meet the purpose and design of TND Subdivisions, the Planning Commission may approve the alternative standards.

7.3 LOT REQUIREMENTS

7.3.1 Frontage

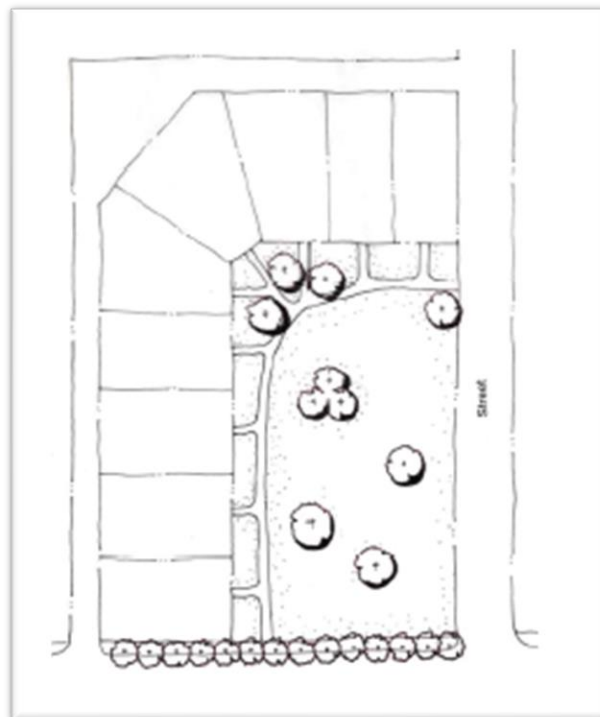
Each lot shall have frontage onto a street or onto a common open space. Lots that front onto a common open space shall have vehicular access from an abutting public or private alley, a shared driveway easement, or a frontage street. All vehicular accesses must adhere to the following requirements:

- 1) Vehicular access for dwelling units set back no less than one hundred-fifty (150) feet from a street. Shall adhere to the following:
 - a) The right-of-way of the alley shall be a minimum width of twenty (20) feet.
 - b) Alleys shall be approved by the City.
 - c) A turnaround shall be provided unless the alley extends from street to street.
- 2) Vehicular access for all lots where the distance from the dwelling unit to the street is greater than one hundred-fifty (150) feet:
 - a) The vehicular access shall serve as a fire lane as well as providing access to dwelling units.
 - b) A public alley shall be approved by the City.
 - c) A turnaround shall be provided unless the access lane extends from street to street.

7.3.2 Cottage Subdivision

- 1) All cottage subdivisions shall have access to a street.
- 2) Cottage subdivisions are a grouping of up to ten dwelling units fronting onto any one common open space (see [Figure 7-1: Cottage Subdivision](#)).

Figure 7-1: Cottage Subdivision



- 3) Vehicular access shall be from the side or rear of the lots and meet the requirements of Subsections [7.3.1 \(Frontage\)](#).
- 4) Attached housing cottage subdivisions shall meet the requirements of [Article 8: Townhome Subdivision](#).

- 5) Where a common open space abuts a public sidewalk, the open space shall include design features that distinguish the common open space from the pedestrian connection.
- 6) Common open space shall be held in a tract, as a separate parcel, and owned in common by the owners of the properties served by the common open space or by a homeowners' association.

7.3.3 Subdivisions for Attached Housing

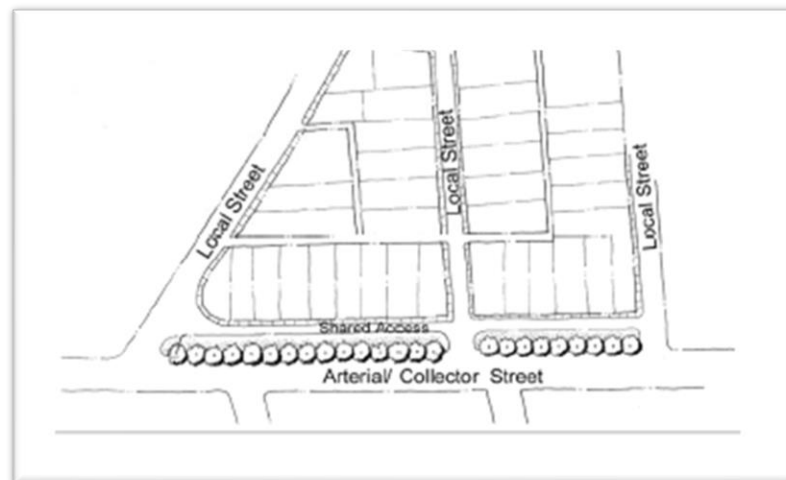
Attached Housing Subdivisions may be developed where permitted, in the underlying zoning district. Attached Housing Subdivisions in a Traditional Neighborhood Design shall follow the process in [Article 8: Townhome Subdivision](#). Attached housing fronting onto common open space shall also meet the requirements of [Section 7.3.2 \(Cottage Subdivision\)](#).

7.3.4 Residential Lots Fronting on an Arterial or Collector Streets

The creation of residential lots with a double frontage shall be avoided. The preferred approach for subdividing residential property along an arterial or collector route is as follows

- 1) Dwelling units face the arterial or collector.
- 2) Vehicular access via a shared rear alley shall be required. At the recommendation of the Enforcing Officer a frontage street may be used to minimize curb cuts on arterial and/or collector streets as shown in [Figure 7-2: Residential Lots Fronting an Arterial or Collector Street](#).

Figure 7-2: Residential Lots Fronting an Arterial or Collector Street



- 3) Access shall only be provided to the shared alley or frontage street from a local street.

7.3.5 Nonresidential and Mixed-Use Lots Fronting on an Arterial or Collector

The number of access points on arterial and collector streets from a nonresidential or mixed-use development shall be minimized. Access shall be provided through local streets to serve more than one development site, or interior circulation designed with connecting parking lots through the use of cross access easements. TND Developments shall comply with [Section 5.3 \(Lot Requirements\)](#)

[Lot Arrangement](#)

7.3.5.1 Arrangement

Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines.

7.3.5.2 Minimum Size

The size, shape and orientation of lots shall be such, as the Planning Commission deems appropriate for the type of development and use contemplated. Minimum lot sizes and other bulk regulations are specified in the Zoning Ordinance.

7.3.5.3 Corner Lots

Corner lots shall be sufficiently wider and larger to permit the additional side yard requirements of the Zoning Ordinance. Information shall be provided on the Final Plat showing which direction a house located on a corner lot will face.

7.3.5.4 Lot Dimensions

Where lots are more than double the minimum area required by the Zoning Ordinance the Planning Commission may require that such lots be restricted to prevent further resubdivision or be arranged so as to allow further subdivision and the opening of future public ways where they would be necessary to serve such potential lots, all in compliance with the zoning ordinance and these regulations.

7.3.5.5 Lot Frontage

The minimum lot frontage on a public way shall be fifty (50) feet, except for the radius of a cul-de-sac that shall be thirty-five (35) feet. All residential lots with less than fifty (50) feet shall include the following note:

“Lot(s) shall be required to submit and receive approval of a plot plan prior to receiving a building permit.”

7.3.5.6 Building Setbacks from High Voltage Electric Lines

In the case of electric transmission lines where easement widths are not definitely established, a minimum building setback line from the center of the transmission line shall be established as follows:

<u>Voltage of Line</u>	<u>Building Setback</u>
7.2 KV	15 feet
13 KV	25 feet
46 KV	40 feet
69 KV	50 feet
161 KV	75 feet

7.3.5.7 Double Frontage Lots

Creation of lots with double frontage (street abutment front and rear) shall be avoided. This may be accomplished by providing an alley or frontage road along arterials or collectors. Special exceptions may be made where necessary to provide access to residential development from street other than arterial or collector streets, but only to overcome specific disadvantages of topography. Special exceptions shall require an undue hardship based upon State Statute.

7.3.5.8 Access from Arterial or Collector Streets

When a property is subdivided along an arterial or collector street dwelling units are encouraged to face the arterial or collector wherever practicable with vehicular access via a shared frontage road, driveway easement, or rear alley. There shall be a separation area between the arterial or collector and the edge of the frontage road or shared driveway easement.

7.3.6 Flag Lots

Flag lots shall not be permitted in any zoning district that permits residential uses. No building shall be erected on a lot which does not continuously abut at least one public street for at least fifty (50) feet. A lot

with more than one-half (1/2) of its frontage on the bulb of a cul-de-sac must continuously abut the street for at least thirty (35) feet.

7.3.7 Connectivity, Access, and Blocks

7.3.7.1 Connectivity

5. Developments shall provide roadways permanently open to the public that provide community wide access as part of an overall connectivity network whose spacing generally occurs at intervals as stated in [5.3.3 \(Connectivity, Access, and Blocks\)](#) of these Regulations.
6. Existing streets in adjacent or adjoining areas shall be continued in a new development. Whenever connections to anticipated or proposed surrounding streets are required by this Ordinance, the Subdivision Regulations or the Major Thoroughfares Plan (or other adopted Transportation Plan), the right-of-way shall be extended and the street developed to the property line of the property at the point where the connection to the anticipated or proposed street is expected. Temporary turnarounds may be required to be constructed at the end of such streets pending their extension when such turnarounds appear necessary to facilitate the flow of traffic or accommodate emergency or service vehicles. No cul-de-sac street shall be permitted in excess of 500 feet unless no other practical alternative is available and a special exception is granted by the Planning Commission.
7. Developments shall provide sufficient external access points to the existing or future roadway network as follows, however, in the case of any conflict between the provisions of this section and other sections of these regulations, this section shall prevail, except to meet access management requirements. The number of accesses provided shall meet the requirements outlined in [Table 5-1: Accesses Required by Number of Units](#).

Table 5-1: Accesses Required by Number of Units

Number of units	Required Connections	Immediate Accesses	Future Accesses
Less than 50 units	2	1	1
50 to 124	3	2	1
125 to 199	4	2	2
200 to 299	4	3	1
Each additional 100 units	1 additional ^A		

^A – Any immediate access shall be utilized before future accesses are provided.

- a. No more than 124 units' certificates of occupancy may be issued within the development until the required secondary access has been constructed.
 - b. A special exception of these standards may be granted by the Planning Commission only in extreme cases where limited frontage, natural features (slope, topography), or similar circumstances preclude the required connections and there is no substantial impact noted regarding emergency service delivery. An alternate public emergency access roadway may be provided to satisfy the above requirements with the approval of the Planning Commission.
8. Street stubs into adjacent properties shall be required to ensure adequate circulation. All existing stub streets, contiguous to the property, shall be connected to the proposed street system. A special exception from these requirements for street stubs shall require approval of the Planning Commission.

7.3.7.2 Residential Development Access to Existing Public Street

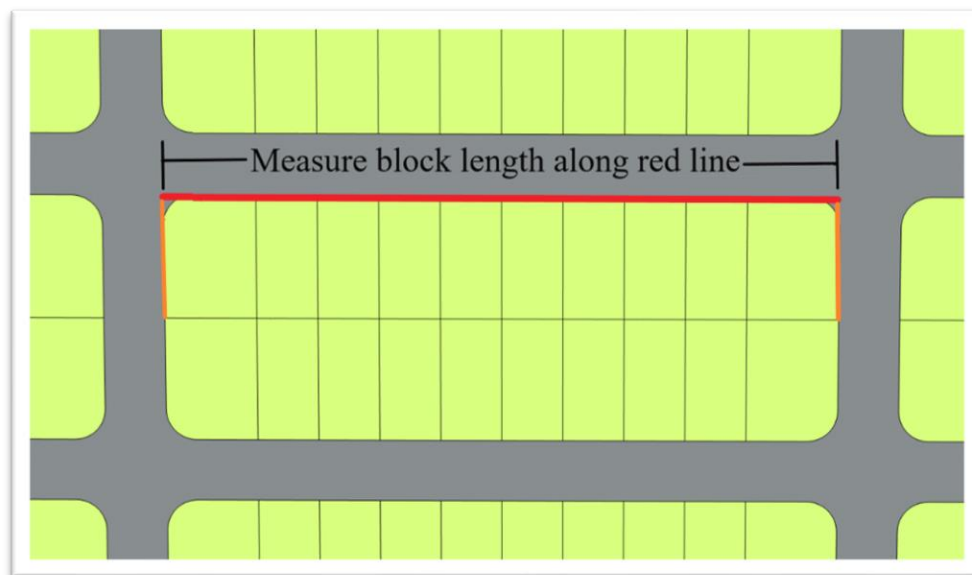
7. A minimum of two points of access to an arterial or collector street shall be required for all residential developments consisting of 124 or more lots and/or units. The second point of access may connect to adjacent developments as long as the adjacent development has direct access to an arterial or collector street.

8. Two points of access shall not be on the same street unless no alternative exists, providing two unique paths to an arterial or collector without overlap. If no alternative exists, a future point of access shall be provided to a future street.
9. The Planning Commission, Planning Staff or Engineering Staff may require more than two points of access when additional access points are readily available or as other sections of these Regulations or the Zoning Ordinance require.
10. In certain limited instances where the second point of access cannot be reasonably provided, a traffic study is required to demonstrate that an adequate level of service can be met. All traffic studies are subject to review by City Staff and/or a City chosen professional to determine if recommendations are consistent with all transportation programs and needs. Any Traffic Study required shall meet the requirements as laid required in the Portland Zoning Ordinance.
11. When a second point of access cannot be reasonably provided, a second future point of access shall be provided. An access or ingress/egress easement may be required by Planning or Engineering Staff.
12. When a street stubs from an adjoining property the subject property, such stub shall be extended through the subject property as public or private street.

7.3.7.3 Blocks

7. Blocks shall be defined as a section of land bound by four (4) intersecting streets.
8. Blocks length shall not be more than twelve hundred (1,200) feet in length. Block length shall be measured along the front lot lines exclusive of any radii at street intersections. Where the measurement shall continue along the logical extension of the front line until its intersection with the logical extension of the front lot line of the perpendicular block face.

Figure 5-1: How to measure block length



9. Block perimeter shall not exceed the requirements for each zoning classification as stated in [Table 5-2: Maximum Block Perimeter Requirements](#). Block perimeters shall be measured along the front lot lines exclusive of any radii at street intersections. Where the measurement shall continue along the logical extension of the front line until its intersection with the logical extension of the front lot line of the perpendicular block face. Blocks with cul-de-sacs shall include the street frontage along lots on the cul-de-sac in the measurement of the block perimeter.

Table 5-2: Maximum Block Perimeter Requirements

Zoning Type	Maximum Block Perimeter
Mixed Use	2,500 feet
Residential	3,500, feet
Commercial	4,500 feet
Industrial	5,700 feet

Figure 5-2: How to Measure Block Perimeter



10. Residential blocks shall have sufficient width to provide for two tiers of residential lots, except where outlined in the [5.3.3.4 Connectivity, Access and Blocks Special Exceptions](#) section of this Chapter.
11. For blocks greater than eight hundred (800) feet in length, a pedestrian access easement a minimum of twenty (20) feet in width may be required to traverse blocks deemed essential to provide access to Community Facility Activities or Commercial Activities uses.
12. In any block longer than 1,200 feet in length, the Planning Commission may require the reservation of an easement through the block to accommodate utilities, drainage, facilities, and/or pedestrian traffic.

7.3.7.4 Connectivity, Access and Blocks Special Exceptions

The Planning Commission may consider a special exception from the Connectivity, Access and Blocks standards when one of the following hardships prohibits compliance:

8. A railroad track would need to be crossed.
9. The Interstate would need to be crossed.
10. The airport land would need to be crossed.
11. A stream would need to be crossed that is an order number 4 stream or higher. A stream order map is available from the Planning Department.
 - a. The block perimeter shall be doubled for number 4 order steams
 - b. The block perimeter shall be tripled for number 5 order steams
 - c. The Planning Commission can require stream crossings for any stream as required in the Major Thoroughfare Plan or as needed for a pressing transportation concern
12. A topographic feature that would cause the slope of a street to be greater than 10%.
13. An existing development pattern (including cemeteries) prevents the reasonable extension of a road. If this is the case, additional pedestrian connections or a pocket park should be required based on the cost of the land.

14. Anywhere the Subdivision Regulations or Zoning Ordinance require access management.

7.4 ALLEYS REQUIREMENTS IN TND

7.4.1 Requirements for Alleys

Alleys shall be strongly encouraged, where practicable, to reduce the need for curb cuts, increase amount of on street parking, and reduce conflicts between cars and pedestrians. Any development with alleys shall be the requirement of Section [5.4.7 \(Alleys\)](#).

7.5 BLOCKS

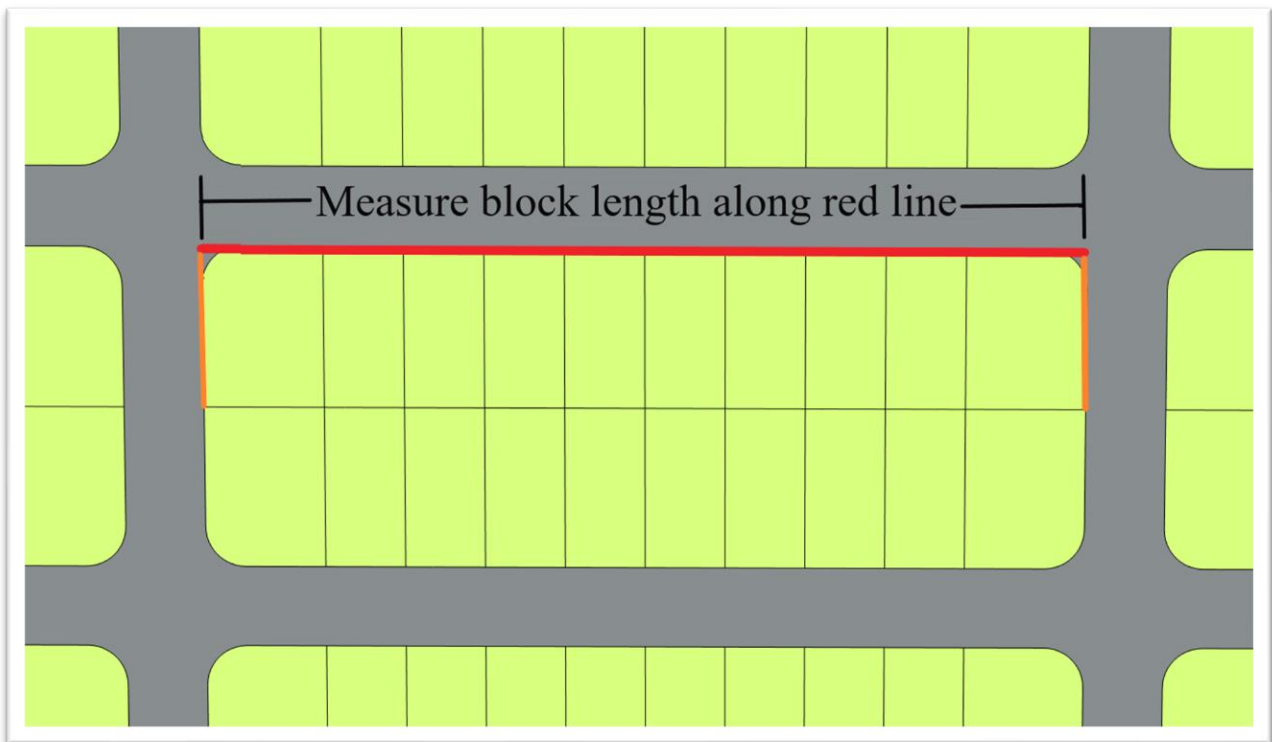
7.5.1 Block Widths

Blocks shall have sufficient width to provide for two tiers of lots of appropriate depths.

7.5.2 Block Lengths

Block lengths shall be measured along the front lot lines exclusive of any radii at street intersections. Where the measurement shall continue along the logical extension of the front line until its intersection with the logical extension of the front lot line of the perpendicular block face.

Figure 7-3: How to measure block length



Block Lengths in TND Subdivisions shall meet the following requirements:

- 1) Block lengths shall not exceed six hundred (600) feet except when existing conditions or natural constraints preclude such spacing.

- 2) Block lengths shall not be less than two hundred (200) feet or four (4) lot widths, whichever is greater, except as the Planning Commission deems necessary to secure efficient use of land or desired features of the street pattern.

7.5.3 Block Perimeters

13. Block perimeter shall not exceed two thousand (2,000) feet. Block perimeters shall be measured along the front lot lines exclusive of any radii at street intersections. Where the measurement shall continue along the logical extension of the front line until its intersection with the logical extension of the front lot line of the perpendicular block face. Blocks with cul-de-sacs shall include the street frontage along lots on the cul-de-sac in the measurement of the block perimeter.

Figure 7-4: How to Measure Block Perimeter



7.5.4 Easements Through Long Blocks

The Planning Commission shall require dedication of an easement through any block seeking an exception to Section [7.5.1 \(Block Widths\)](#) to accommodate pedestrian connections and construction of a sidewalk. The Planning Commission may require dedication of an easement through blocks greater than 1,200 feet in length, to accommodate utilities or drainage facilities. Pedestrian connections shall be constructed by the developer of the subdivision.

7.6 MINIMUM SIDEWALK WIDTH

Sidewalks shall be provided on both sides of all public and private roads within a TND. The Sidewalks shall be provided in accordance with Section [5.7 \(Sidewalks\)](#), technical specifications, and other applicable Development Regulations.

7.7 REQUIREMENTS FOR STREETS AND PEDESTRIAN ACCESS

7.7.1 Purpose

Functional Classification System, as defined in Section [5.4.4 \(Street Functional Classification and Design\)](#), are designed to ensure complete streets in TND Subdivisions. The purpose of such streets standards and the pedestrian access standards for TND Subdivisions are as follows:

- 1) Support the creation of a highly connected transportation system in order to provide options for drivers, bicyclists, and pedestrians.
- 2) Promote walking and bicycling and safely integrate the pedestrian and auto environment.
- 3) Connect neighborhoods to each other and to local destinations such as schools, parks, and shopping centers.
- 4) Provide a seamless transition from one type of development to the next.
- 5) Reduce vehicle miles traveled and travel times.
- 6) Reduce emergency response times.
- 7) Increase the effectiveness of municipal service delivery.

7.7.2 Street Pattern

Streets shall be designed in an interconnecting pattern of streets, sidewalks, and alleys.

7.7.3 Street Design Standards

In determining the most safe and appropriate street design, the City shall work to ensure that the purpose of the TND Subdivision is met and that the key features, as described in Subsection [7.1.2 \(Intent\)](#), pertaining to streets are addressed.

7.7.4 Through Streets and Pedestrian Access

The following street and pedestrian access standards shall be required in TND Subdivisions, wherever practicable:

- 1) Through streets and pedestrian ways shall generally be provided no more than six hundred (600) feet apart.
- 2) New streets shall align with existing streets on adjoining properties unless topography, traffic circulation requirements, or other considerations make direct connectivity unfeasible. The applicant shall demonstrate that no practicable alternatives exist to providing the street connections.
- 3) Where streets cannot connect, a pedestrian access shall be provided.

7.7.5 Extension of Existing Temporary Culs-de-sac and Pedestrian Access

Existing temporary culs-de-sac and pedestrian accessways adjacent to the tract shall be extended into the tract, wherever practicable.

7.7.6 Future Extension of Proposed Temporary Culs-de-sac and Pedestrian Access

Where the TND Subdivision tract is adjacent to tracts that may be subdivided in the future, temporary culs-de-sac, and pedestrian accessways shall be extended to the boundary lines of the tract to provide future access to the adjacent tracts.

7.7.7 Pedestrian Access Easements

The following approval criteria and standards apply to all pedestrian accessways within a TND:

- 1) The width of the pedestrian access easements shall be sufficient to accommodate expected users and provide a safe walking environment.
- 2) Pedestrian accessways shall take the most direct route practicable.
- 3) Wherever possible, pedestrian accesses shall be designed so that the pedestrian can see the ending of the access from the entrance point.
- 4) Pedestrian accessways that connect or are intended to eventually connect two through streets, shall be designated as public access easements on the final subdivision plat.
- 5) Pedestrian accessways that connect or are intended to eventually connect to a public school, park, or library, shall be designated as public access easements on the final subdivision plat.

7.7.8 New Pedestrian Access Easements

In any zoning district, a new pedestrian access easement to a school, shopping center, neighborhood park, or other likely pedestrian destination shall be provided as a component of the subdivision. The addition of the accessway shall reduce walking or bicycling distance, as measured along the pedestrian way, by at least fifty (50) percent over other available pedestrian connections, and a minimum of four hundred (400) feet.

7.7.9 Loop Streets

Loop streets shall be given preference over cul-de-sacs and loop streets shall be used only when no other option exist. Standards for loop streets include:

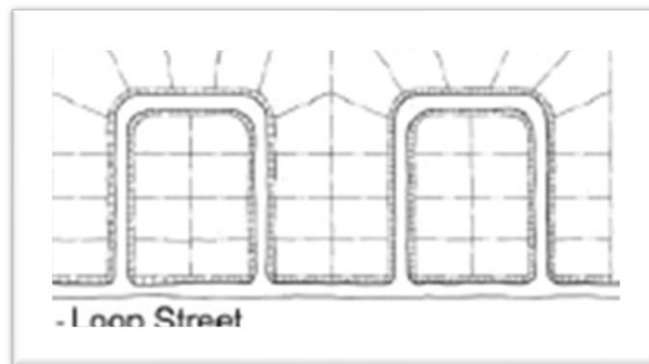
- 1) Connections to other streets at both termini shall be required.
- 2) To facilitate connections to adjacent future development sites, when one terminus of the loop street does not connect to an existing street, the end shall be stubbed with a temporary cul-de-sac.

7.7.10 Cul-de-sacs

Cul-de-sacs are generally prohibited and shall be permitted only where all other street design alternatives, such as loop streets or closes shown in [Figure 7-5: Alternatives to Culs-de-sac](#), are not feasible and one of the following two conditions exists:

- 1) Where natural features such as wetlands or steep slopes exist.
- 2) Where connection to an existing or planned street is blocked by an existing permanent structure, an existing or planned freeway, or a protected open space area.

Figure 7-5: Alternatives to Culs-de-sac

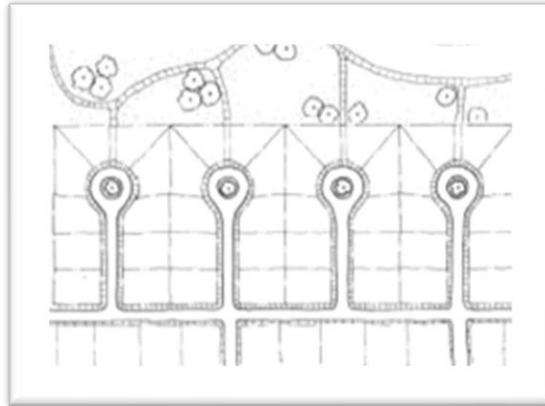


7.7.10.1 Requirements for Cul-de-sacs

Cul-de-sacs shall meet the following requirements:

- 1) The length of the cul-de-sac shall not exceed two hundred-fifty (250) feet.
- 2) Cul-de-sacs shall include pedestrian connections to abutting streets wherever practicable as shown in [Figure 7-6: Pedestrian Access](#).

Figure 7-6: Pedestrian Access



7.8 ADDITIONAL REQUIREMENTS FOR STREETS AND PEDESTRIAN ACCESS IN NONRESIDENTIAL AND MIXED-USE SUBDIVISIONS

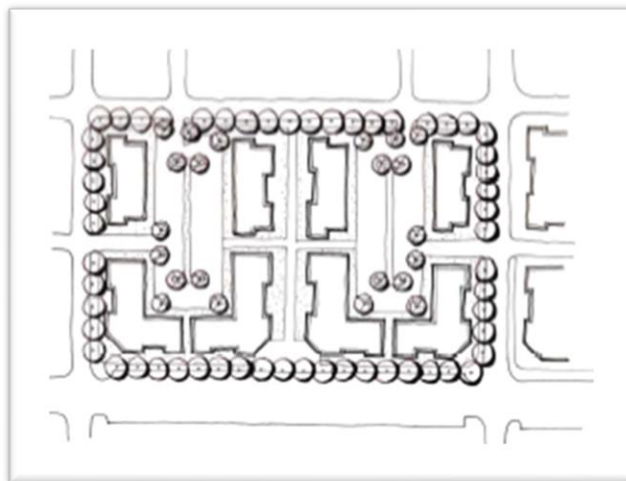
7.8.1 Pedestrian Access Required

Where street connections are not practicable, pedestrian accessways are required and shall meet the standards of Section [7.7.8, \(New Pedestrian Access Easements\)](#).

7.8.2 Requirements for Internal Vehicular Circulation

To encourage shared parking and shared vehicular access points on arterial and collector streets all nonresidential and mixed-use developments shall be designed to allow for cross-access to adjacent properties. (See [Figure 7-7: Internal Vehicle Circulation](#), for an example of internal vehicle circulation.)

Figure 7-7: Internal Vehicle Circulation



7.8.3 Pedestrian Access

Pedestrian accessways include public sidewalks and walkways within nonresidential and mixed-use developments.

- 1) Pedestrian accessways across parking lots shall be clearly marked and separated by curbs or similar devices.
- 2) Pedestrian accessways shall be made between adjacent land uses and provide connections through the development to the public street right of way.
- 3) All development in nonresidential and mixed-use zoning districts shall provide a system of pedestrian facilities that encourages safe and convenient pedestrian movement within the site and onto adjacent sites.

7.9 SPECIAL EXCEPTIONS FROM ACCESS STANDARDS

7.9.1 Special Exceptions

In addition to the requirements of Section [1.10 \(Special Exceptions\)](#), in order for a special exception to be granted for Sections [7.7 \(Requirements for Streets and Pedestrian Access\)](#) and [7.8 \(Additional Requirements for Streets and Pedestrian Access in Nonresidential and Mixed-Use Subdivisions\)](#), the applicant shall demonstrate why these standards cannot be met, eligible hardships created by the implementation of these regulations cannot be financial in nature.

7.9.2 Circumstances for Special Exception

Special exception may be permitted under either of the following:

- 1) Where an applicant can demonstrate that an alternative connection or connections better meet the purpose of the TND Subdivision.
- 2) Where no practicable alternatives exist to provide access and/or connections and one of the following conditions exist:
 - a. Access and connection standards would violate provisions of leases, easements, covenants, or restrictions in place at the time of adoption of these regulations.
 - b. Natural constraints, existing buildings or other development adjacent to lands physically preclude a connection now or in the future, considering the potential for redevelopment.

7.10 OPEN SPACE

Open spaces appropriate for a TND subdivision include plazas, squares, greens, small parks for passive or active recreational uses and linear open space that incorporates natural elements such as a creek or a significant stand of trees. The planted area of an eyebrow, close or cul-de-sac turnaround may be counted towards the open space requirement. Open space provided as a part of a TND subdivision shall be provided for as required in Section [5.15 \(Common Open Space\)](#).

Article 8: TOWNHOME SUBDIVISION

8.1 PURPOSE AND APPLICABILITY

8.1.1 Purpose

The development of townhouse units to be sold in fee simple, each with its own small lot, requires special regulations not provided elsewhere within these Subdivision Regulations.

Reasons for special regulations include:

- 1) The narrow lots needed for townhouses are not provided elsewhere within these Subdivision Regulations,
- 2) The narrow lots to be allowed are not suitable for any other housing type. The townhouses must be under construction, with at least joining walls being built, before Final Subdivision Plat approval is granted. If such lots were sold to different owners prior to construction, the owners would have great difficulty arranging a coordinated townhouse construction program.

8.1.2 Applicability

Townhome Subdivisions shall only be allowed within the Corporate Limits (City Limits) of the City of Portland for any residential zoning districts allowing any attached housing product.

8.2 SUBDIVISION PLAT APPROVAL PROCEDURE

To prevent the sale of individual lots prior to construction, no individual lots shall be recorded until the following steps in the subdivision and development process have been followed by the townhouse developer:

Step 1: Prepare a Conceptual Plan for the proposed townhouse development. The Conceptual Plan shall be drawn to scale.

Step 2: Prepare a Site Development Plan which will serve as a Preliminary Subdivision Plat for the proposed townhouse development. The Site Development Plan shall be drawn to scale and include the following:

- 1) locations and dimensions of all property lines including the major lots which will each contain a group of two or more townhouse units and the small individual townhouse lots into which the major lots are divided.
- 2) contour lines at two (2) foot intervals for slopes less than eight (8) percent and at five (5) foot contour intervals for slopes over eight (8) percent, at a datum acceptable to the Enforcing Officer.
- 3) proposed location of each townhouse group showing number of units in each building. Since the Site Development Plan will take the place of the preliminary subdivision plat, it shall also meet the requirements for a Preliminary Subdivision Plat as required in [3.6 \(Preliminary Plat\)](#) of the Portland Subdivision Regulations, in addition the lot area and dimensional regulations outlined in [5.3.2 \(Flag Lots\)](#) of this Article shall apply. It is not the intention of this section to change the density of development in any zoning district.

Step 3: By the submittal date established by Planning Commission, a Site Development Plan shall be submitted to the Enforcing Officer as well as any proposed covenants and restrictive conditions that will apply to the development.

- Step 5: Planning Commission will review the Site Plan on the official Planning Commission agenda and approve, deny, or defer the item based on compliance with these regulations.
- Step 4: Meet, if required by the Enforcing Officer, with the Development Review Committee to review the Site Development Plan. Approval of the site plan will be based on the completion of Section [3.6 \(Preliminary Plat\)](#) and Step 1 of Section [8.2 \(Subdivision Plat Approval Procedure\)](#) including providing all necessary information to evaluate the development, meeting the requirements and design criteria set forth in [Article 5: General Requirements and Design Standards](#), unless regulated as a part of Section [8.3 \(Design Requirements\)](#) of this Article.
- Step 5: Following approval of the site plan, construction of all required improvements (roads, drainage facilities, and utilities) as well as the townhouse units for the whole development or for one or more phases according to the approved site plan shall be completed. The standards for subdivision roads, drainage, water supply, and sewerage extensions contained in [Article 5: General Requirements and Design Standards](#), shall apply for all townhouse subdivisions in the same manner as a conventional subdivisions except for the allowances in Section [8.3 \(Design Requirements\)](#) of this Article.
- Step 6: Prepare a Final Subdivision Plat of the built phases showing the larger lots on the approved Site Plan and their division into individual lots for each individual townhouse. The Final Subdivision Plat shall show the individual lot lines exactly where the side walls of the townhouse units were actually built after any site adjustments were made.
- Step 7: By the submittal date established by Planning Commission, the Final Subdivision Plat of the built phases shall be submitted to the Enforcing Officer for plat review, as well as a field check of the development; and place the requested Final Subdivision Plat review on the official Planning Commission agenda.
- Step 8: Attend the scheduled Planning Commission meeting. If all road and/or utilities and other required improvements have been completed or an adequate letter of credit has been posted with the Enforcement Officer, then the Planning Commission shall review the project and approve or deny the project based on compliance or non-compliance with applicable development regulations.
- Step 9: A letter of credit shall be held by the City at least until roads are accepted as public streets or in the case of private streets completed in accordance with approved plans.
- Step 10: Record the final plat.

8.3 DESIGN REQUIREMENTS

8.3.1 Conversion of Apartments or Condos

Conversion of existing apartment/condo structures to fee simple townhouse complexes shall not be allowed unless all building codes, fire, utility or other public service concerns are addressed, at the developer/owners' expense, to the satisfaction of each service provider. The process for approval in [Article 8: Townhome Subdivision](#) would apply.

8.3.2 Domestic Water

Domestic water shall be required for all townhome subdivisions. If the existing water line are not available, the developer shall be responsible for any extensions required to serve the development in accordance with Portland Utility District or appropriate Utility District policy. The developer shall provide proof of water availability from the appropriate Utility District, upon submittal of an application.

8.3.3 Drainage and Stormwater

All townhome subdivisions shall comply with all applicable stormwater management requirements in the Portland Stormwater Ordinance, these Regulations, and any applicable Development Regulations.

8.3.4 Floodplain Protection

The building sites within the townhouse subdivision shall be located outside of the floodplain and floodway areas of the City of Portland or shall otherwise be shown to conform to the requirements of the Flood Prevention Ordinance or any related regulation imposed by the Local Governing Body.

8.3.5 Natural Gas

Natural Gas may be available and shall be provided in the same manner as in any other subdivision within the City in accordance with applicable Portland Utility District policy.

8.3.6 Parking

8.3.6.1 Off-Street Parking

Off-street parking spaces shall be provided for each townhouse dwelling unit. The minimum number, size, and other parking requirements for off-street parking spaces required for each unit shall be determined by the off-street parking section of the Zoning Ordinance. Any required parking spaces shall be located entirely on private property and not within the public right-of-way.

Where possible parking shall be to the side or rear of the buildings in a townhome development. Parking shall not be in the front of townhome buildings for developments with access on public streets, unless the developer provides a reason for placing the parking in the front of the building, and the Planning Commission determines that the proposed parking does not harm the value or character of the surrounding neighborhood and that the parking area can be adequately landscaped. Any development on a public street with more than two units shall provide for shared drives to access the public street.

8.3.6.2 On-street Parking

On-street parking may be allowed along public or private right-of-way. If on-street parking is provided parallel parking shall be provided, in no case shall parking that requires backing into the right-of-way be approved.

8.3.7 Reconstruction

In the event that one or more townhouse units are destroyed by fire or other cause, no structures shall be placed on any vacant townhouse lot except another townhouse unit which must be built according to the intent of these townhouse Subdivision Regulations.

8.3.8 Street Construction

Public or private streets within a townhome subdivision shall meet the requirements outlined in Section [5.4 \(Streets\)](#) of these regulations.

8.3.9 Sanitary Sewer

Sanitary sewer shall be required for all townhome subdivision. If existing sewer lines are not available or correctly sized, the developer shall be responsible for any extensions or improvements required to serve the development in accordance with the Portland Utility District policy. The developer shall provide proof of sewer availability, upon submittal of an application, from the Portland Utility District.

8.3.10 Sidewalks

Sidewalks shall be provided on both sides of all public and private roads within a Townhome Development. The Sidewalks shall be provided in accordance with Section [5.7 \(Sidewalks\)](#), technical specifications, and other applicable Development Regulations.

8.3.11 Site Improvements

Site improvements, including sidewalks, exterior lighting, landscaping, and other site development standards shall be provided in accordance with the requirements of these regulations, Zoning Regulation, Design Standards, and other Development Regulations.

Article 9: ADOPTION OF REGULATIONS AND AMENDMENTS

9.1 NOTICE OF PUBLIC HEARING FOR AMENDMENTS TO THE SUBDIVISION REGULATIONS

Prior to the consideration of amendments to the regulations or new regulations, the Planning Commission shall set a date for a public hearing. The public hearing shall be advertised in the body of one newspaper of general circulation thirty (30) days prior to the date of the public hearing in accordance with Section [13-4-303\(c\)](#), Tennessee Code Annotated.

9.2 AMENDMENTS

9.2.1 Enactment

The Planning Commission may, from time to time, amend these Regulations for the purpose of providing for the public health, safety, and general welfare the Planning Commission may from time to time amend these regulations. Before adoption of any amendment to these regulations, a public hearing thereon shall be held by the Planning Commission, as required by [Chapters 3 and 4, Title 13](#), Tennessee Code Annotated.

9.2.2 Initiation of Amendment

Amendments may be initiated by the Planning Commission, the Enforcing Officer, or by an application by any other interested persons.

9.2.3 Application for Amendment

An application for amendment shall be filled with the Enforcing Officer and is subject to all applicable fees approved by the Governing Body. The Enforcing Officer on receiving such application shall transmit copies thereof to the other bodies and the Planning Commission prior to any consideration of the proposed amendment by the City Council.

9.2.4 Codification and Distribution

Subsequent to adoption of any amendment to these regulations, such amendment shall be incorporated into the text of these regulations in the following manner.

1. Replacement pages shall be prepared incorporating the new or changed language. Each such new or replacement page shall have the amendment number and shall be dated so as to indicate the date of last revision of the page.
2. In these regulations, each adopted amendment shall be numbered consecutively and noted in a table at the beginning of these Regulations by noting the Section being amended and a brief description of the amendment.
3. Amendment shall be approved in Planning Commission Resolutions that are number consecutively and that fully states any language deleted from these regulations and any language added and the place in the text of each such change. Said resolution shall be signed by the Chairman and Secretary of the Planning Commission and retained in the Office of the Enforcing Officer.

9.3 ORIGINAL ENACTMENT

9.3.1 Original Enactment

In the order that land shall be subdivided in accordance with the objectives and standards set forth in these regulations, these Subdivision Regulations are hereby adopted on this 11th day of the month of August, 2020, and shall be in full force and effect the 1st day of the month of September, 2020.

9.3.2 Public Hearing

Pursuant to Section [13-4-303 \(c\)](#), Tennessee Code Annotated, a public hearing was held on these regulations the 11th day of the month of August, 2020, at 5:00 P.M., at Online in Compliance with the Tennessee Governor's Executive Order in Portland, Tennessee.

9.3.3 Public Hearing Notice

Notice of the Public Hearing was given by publication in the Portland Leader, on the 9th day of the month of July, 2020.

9.3.4 Signatures

Original signatures are on file at the Portland City Hall.

Chairman or Planning Commission

Date

ATTEST:

Secretary of Planning Commission

Date

APPENDIX A: CERTIFICATES REQUIRED ON PLATS

CERTIFICATE OF OWNERSHIP AND DEDICATION

I (we) hereby certify that I am (we are) the owners of the property shown and described hereon and that I (we) adopt this plan of subdivision with my (our) free consent, establish the minimum building restriction lines, and dedicate all streets, alleys, walks, parks and other open spaces to public and private use as noted, along with all necessary easements for the construction of cut and fill slopes, cut and fill ramps, inlet and outlet ditches or channel changes beyond the right-of-way limits of the road.

Date

Signature of Owner

CERTIFICATE OF ACCURACY

I hereby certify that the plan shown and described hereon is a true and correct survey to the accuracy required by the Portland Municipal-Regional Planning Commission and that the monuments have been placed as shown hereon to the specifications of the State Board of Examiners for Land Surveyors.

Date

Signature & Stamp of Registered Surveyor

CERTIFICATE OF PROPERTY NUMBERS AND STREET NAMES

I hereby certify that the property numbers assigned herein conform to Sumner County Emergency Communications District (E-911) policies and the street name(s) conform to the inter-local agreement for non-duplication.

Date

Sumner County Emergency Communications E-911 District

CERTIFICATE OF THE APPROVAL OF PUBLIC STREETS (CITY OF PORTLAND)

I hereby certify: (1) that the public streets have been installed in an acceptable manner and according to City specification in the subdivision entitled: _____ or, (2) that a Letter of Credit in the amount of \$_____ has been posted with the City of Portland Department of Public Works to assure completion of all required improvements in case of default.

Date

Name & Title

CERTIFICATE OF THE APPROVAL OF PUBLIC ROADS (SUMNER COUNTY)

I hereby certify: (1) that all designated public ways on this final subdivision plat have been installed in an acceptable manner and according to the specifications of the Portland Subdivision Regulations; or (2) that a performance bond or other surety has been posted with the Planning Commission to guarantee completion of all required improvements in case of default.

Date

Name & Title

CERTIFICATE OF SEWER SYSTEM

I hereby certify: (1) that the sewer system outlined or indicated hereon has been installed in accordance with current State and/or local government requirements or, (2) that a Letter of Credit in the amount of \$____ has been posted with the City of Portland Utilities Department to assure completion of all required sewer improvements in case of default.

Date

Name & Title

CERTIFICATE OF GENERAL APPROVAL FOR INSTALLATION OF SUB-SURFACE SEWAGE DISPOSAL WITH RESTRICTIONS

General approval is hereby granted for the proposed subdivision hereon as being suitable for sub- surface sewage disposal with the listed and/or attached restrictions. Before the initiation of construction, the location of the house or other structure and plans for the sub-surface sewage disposal system shall be approved by the Local Health Authority.

Lot(s) #_____ shall not have a residence with more than _____ bedrooms unless otherwise approved by the Local Health Authority.

Date

Local Health Authority

CERTIFICATE OF STORMWATER SYSTEM (CITY OF PORTLAND)

I hereby certify that general drainage plans have been submitted and approved for this subdivision and that all required temporary and permanent erosion control, stabilization, and other water quality and water related requirements have been designed in a manner which meets the City of Portland Drainage Requirements. I hereby certify: (1) that the stormwater system outlined or indicated hereon has been installed in accordance with current State and/or local government requirements or, (2) that a Letter of Credit in the amount of \$_____ has been posted with the City of Portland Public Works Department to assure completion of all required stormwater improvements in case of default.

Date

Name & Title

CERTIFICATE OF ADEQUACY OF STORM DRAINAGE FOR MAJOR SUBDIVISIONS (SUMNER COUNTY)

I, _____, do hereby certify that I am a Professional Engineer, registered in the State of Tennessee and that I have designed all storm water drainage for _____ per construction plans on file with the Sumner Count Stormwater Management Resolution. As designed, neither this subdivision nor adjoining property will be damaged, nor shall the character of the land use be affected by the velocity and volume of water entering or leaving same.

Date

Professional Engineer

CERTIFICATE OF THE APPROVAL OF WATER SYSTEM (PORTLAND UTILITY DEPARTMENT)

I hereby certify: (1) that the water system outlined or indicated hereon has been installed in accordance with current State and/or local government requirements or, (2) that a Letter of Credit in the amount of \$_____ has been posted with the City of Portland Utilities Department to assure completion of all required water improvements in case of default.

Date

Name & Title

CERTIFICATE OF THE APPROVAL OF WATER SYSTEM (WHITEHOUSE UTILITY DISTRICT)

I hereby certify that the water system improvements outlined or indicated hereon have been installed in accordance with current local and/or state government requirements; or a bond or other form of surety has been filed with White House Utility District to guarantee installation of the water system improvements.

Date

Name & Title

CERTIFICATE FOR APPROVAL OF RECORDING

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations for Portland, Tennessee, except for Special Exception s, if any, as noted in the minutes of the Planning Commission and that it has been approved for recording in the Office of the County Registrar.

Date

Secretary of the Planning Commission

Void unless recorded by:_____

The following information must be in each Letter of Credit:

The following statements are not required to be verbatim; however, verbiage must accurately reflect all significant elements of the statements below:

- Additional requirements:

- 1) Letter of Credit must be able to be drawn from a local bank (Bank must be in Davidson Co., Macon Co., Robertson, Co., Trousdale Co. or Wilson Co., Tennessee or Allen Co. or Simpson Co., Kentucky).
- 2) Beneficiary information as listed at top must be on the Letter of Credit.
- 3) The Letter of Credit must clearly state the name, address, and telephone number of the contact person from the bank itself.

4) Letter of credit must have the signature of the Bank Official.

Any Questions? Please contact the Portland Planning Department at 615-325-6776.

A renewed letter of credit (or amendment to the original letter of credit) must be submitted to the City each year before the expiration date with the new expiration date. The bank may request that the letter of credit with the expired date be returned to the bank upon approval of the renewed letter of credit.

SAMPLE LETTER OF CREDIT

BANK STATIONARY

Letter of Credit # _____ Issuer:

Applicant:

Project: (Project and Phase/Section)

Beneficiary: City of Portland

Amount:

Date Issued:

Expiration:

The issuer hereby issues in favor of the Beneficiary this Irrevocable Standby Letter of Credit with the above Letter of Credit Number _____, for the account of the Applicant in an amount not exceeding the above dollar amount. If a date certain is indicated above as the expiration date, this Letter of Credit shall expire at the close of business on that Expiration Date; however, the term of this Letter of Credit is perpetual, the Letter of Credit shall not expire except in accordance with applicable law. Funds under this Letter of Credit are available at the office of the Issuer at (Address), after presentation of draft(s) drawn at sight on the Issuer at its counters or by certified mail.

The sight draft(s) shall bear the clause "Drawn under Letter of Credit Number _____ of _____ Bank, dated _____."

The draft(s) shall be accompanied by the following documents:

- (1) A sworn affidavit from an official representative of the City of Portland stating that an event of default exists and the City of Portland is entitled to the funds under the terms of the Letter of Credit.

It is a condition of this Letter of Credit that it is shall be deemed automatically extended for one year from the present or any future expiration date hereof, unless sixty (60) days prior to any such date we shall notify you in writing by certified mail, receipted overnight mail or receipted courier at the above address that we elect not to consider this Letter of Credit renewed for any such additional period.

Except to the extent that the non-variable provisions of the State of Tennessee's Commercial

Code – Letters of Credit (Tenn. Code Ann. #47-5-101 et seq.) and the specific terms of this Letter of Credit dictate otherwise, this Letter of Credit is governed by the International Standby Practices, 1998 ed., ICC Publication No. 590 ("isp98").

Bank Name

Office of the Bank Name

APPENDIX C: STREET CROSS SECTIONS

Streets classifications for all street streets designated as Major Thoroughfares in the Portland Major Thoroughfares Plan, Tennessee Department of Transportation Functional Classification Map, or other Transportation Plan. These cross sections are intended to be an illustrative example of information found in [Table 5-4: Street Standards - Minimum Standards](#). If conflicts exist between these cross sections and [Table 5-4: Street Standards - Minimum Standards](#), the table shall prevail.

Illustration C-1: Major Arterial Cross Section

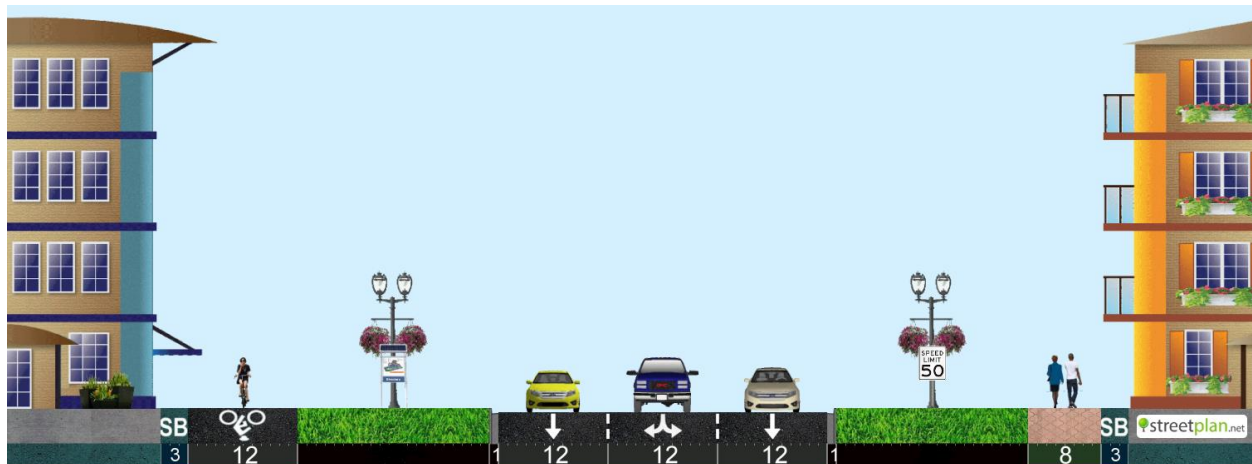


Illustration C-2: Minor Arterial Cross Section

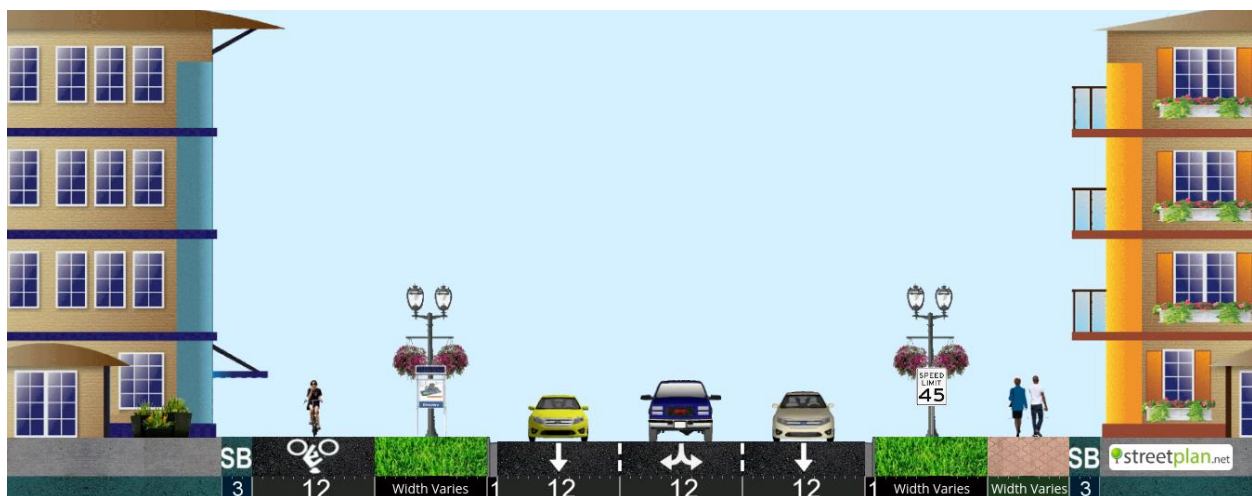


Illustration C-3: Major Collector Cross Section

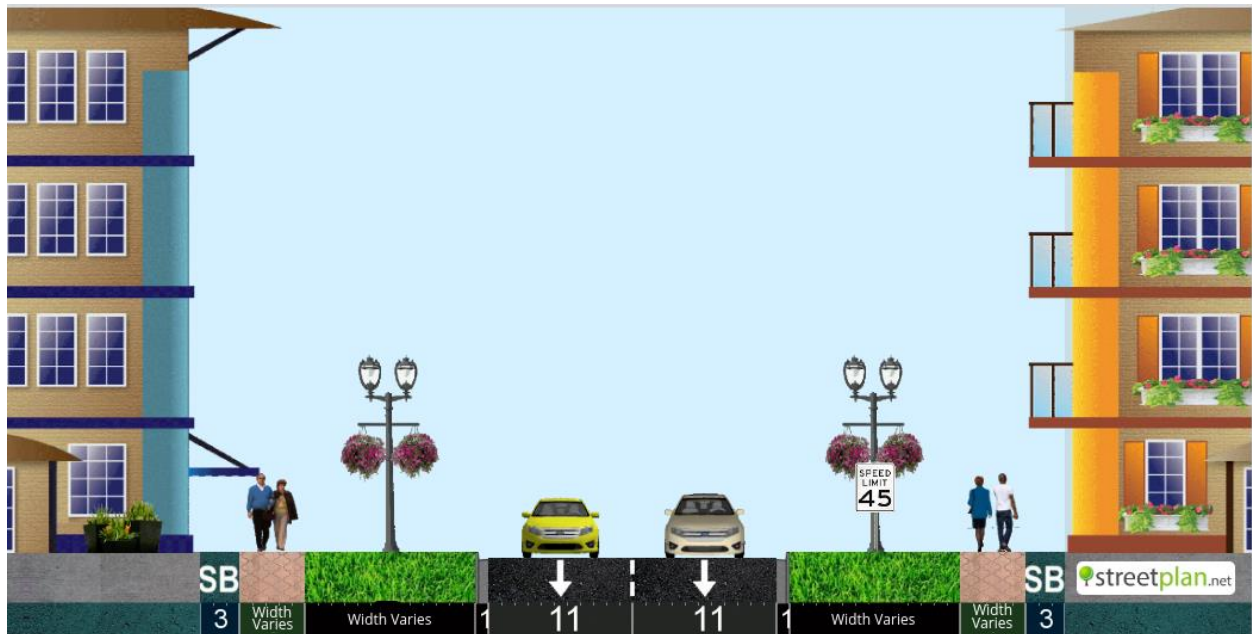


Illustration C-4: Minor Collector Cross Section

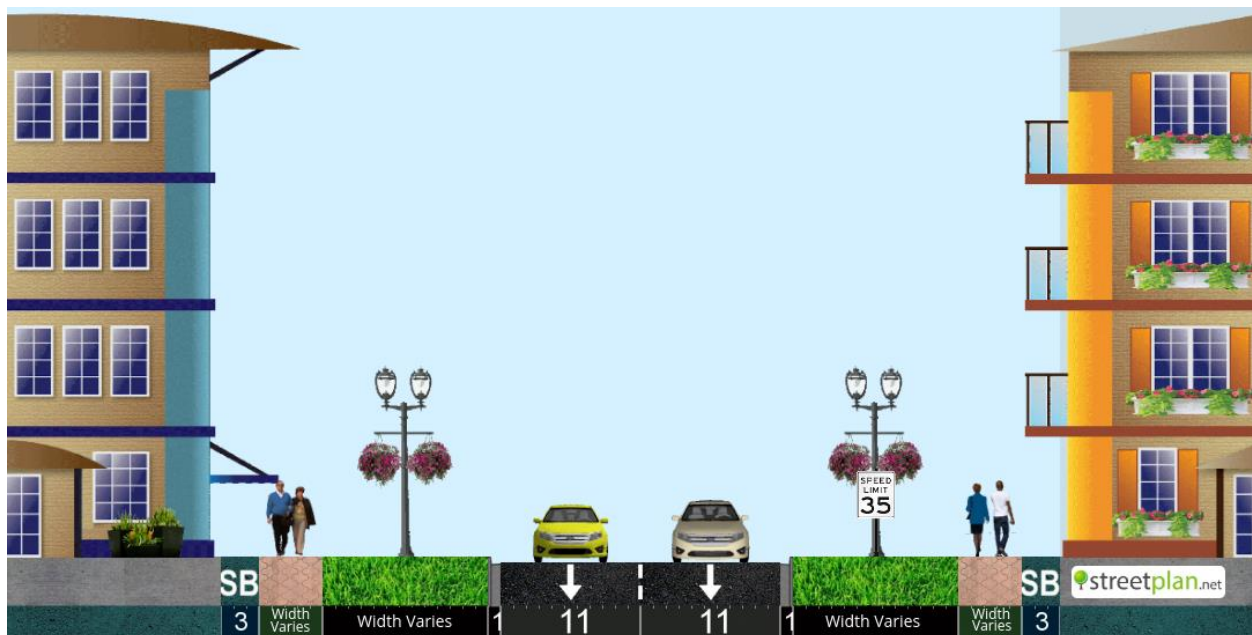


Illustration C-5: Local Street for Commercial and Industrial Cross Section

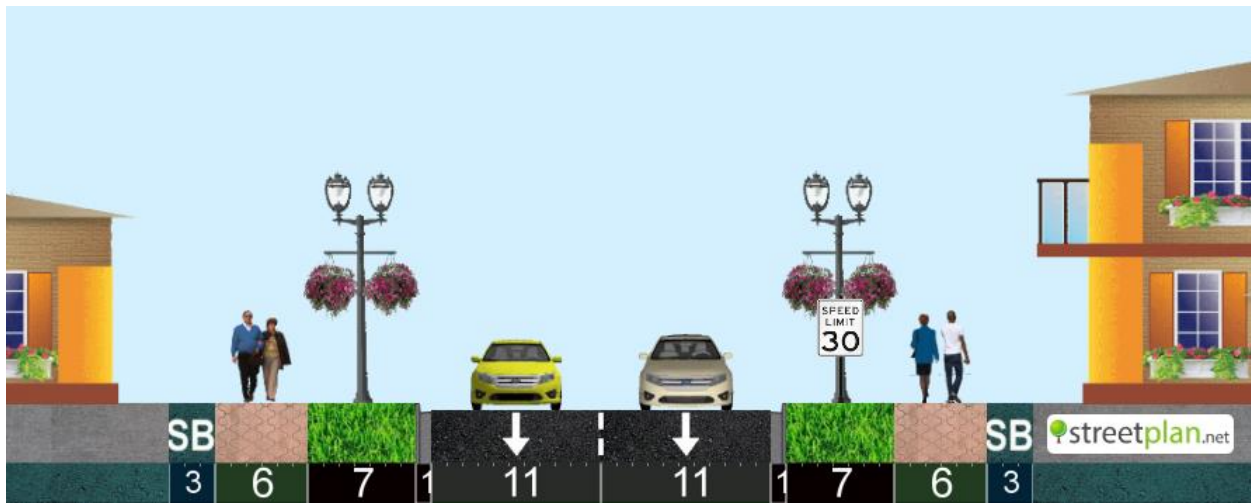


Illustration C-6: Local Street for Mixed Use Cross Section

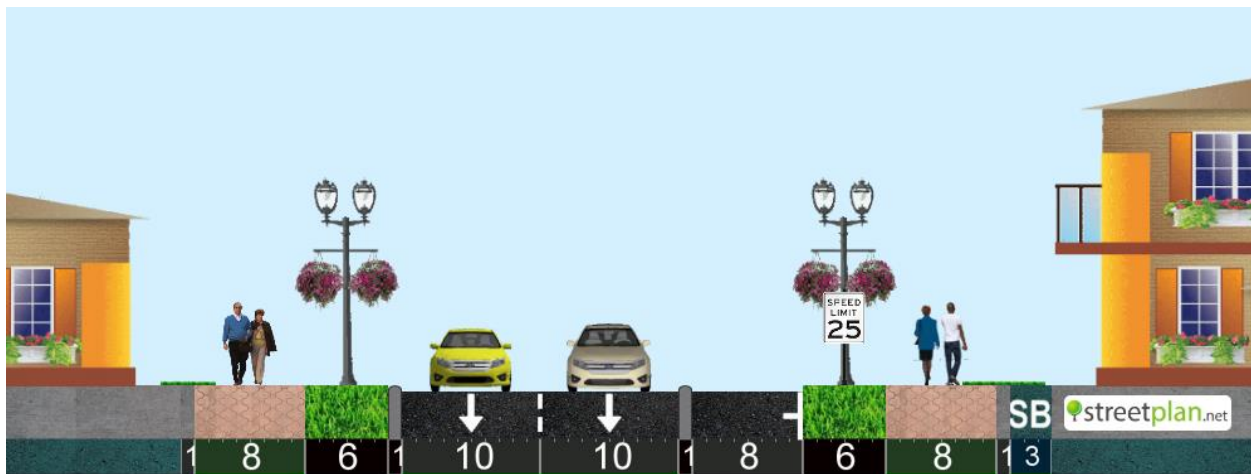


Illustration C-7: Local Street for Residential with or without a Cul-de-sac

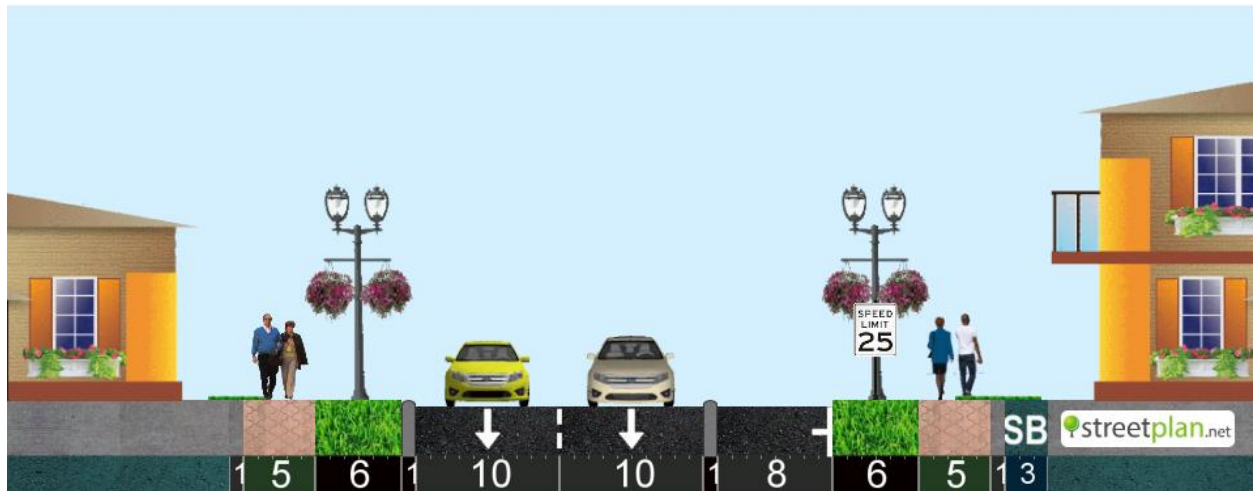


Illustration C-8: Alley Cross Section



APPENDIX D: STREET CONSTRUCTION

D.1 GENERAL

D.1.1 Purpose

The purpose of these specifications is to establish standards of design and construction, including construction procedures and quality of materials, that are adequate to assure the safety, convenience, and welfare of the people within the planning jurisdiction.

D.1.2 Approvals

All construction plans shall be prepared and submitted to the Enforcing Officer. The content and submission procedure shall be as set forth in Section [D.2 Planning](#).

D.1.3 Acceptance

Acceptance for public maintenance of any facilities or improvements located within any subdivision may only be accomplished by formal action of the governing body in the manner established in Subsection [3.8.7 \(Formal Irrevocable Offers of Dedication\)](#). Any approval of plans, etc., submitted in conformance with these provisions, shall not in any manner bind or presuppose acceptance of these facilities by the governing body.

D.1.4 Responsibility for Compliance

In all matters involving enforcement of, or compliance with, the provisions contained herein, the subdivider (as defined in Basic Regulations, Section [2.3 \[Words and Terms Defined\]](#)) is considered as the party legally responsible for performance; and the use of engineers, contractors, or other agents shall in no way diminish or absolve the subdivider of this basic responsibility.

D.2 PLANNING

D.2.1 Plan Preparation

All construction plans for improvements within land subdivisions shall be prepared by engineers registered to practice within the State of Tennessee. The plans shall bear the stamp and signature of the individual responsible for their preparation.

D.2.2 Content

The information set forth in Section [3.7 \(Construction Plans\)](#), shall be required upon each and every plan submitted hereunder. In any instance where special conditions may warrant, additional data may be required.

D.2.3 Submission, Review, and Approval

When the plans are complete, with all required data entered thereon, they shall be submitted to the Enforcing Officer for review and comment prior to formal presentation before the planning commission. If the Enforcing Officer finds that the plans are in order and all required information is presented, he shall forward the plans to the planning commission for review and approval. Should any disagreement between the Enforcing Officer and the subdivider (or his engineer) arise as to the nature of, or requirement for, any particular improvement or facility, the plans may be forwarded to the planning commission for arbitration of the dispute.

Action by the planning commission may come in the form of unconditional approval of the plans as submitted, conditional approval, or disapproval. Should the commission's action come in the form of conditional approval, the applicant may modify and resubmit the plans to the Enforcing Officer for further review. Should the Enforcing Officer find that the conditions established by the commission have been met, he may so certify in which instance the plans shall be considered approved. Should the commission act to conditionally approve the plans and no subsequent action is pursued by the subdivider (or his engineer) for a period of six (6) months following the date on which action was taken by the planning commission, the plans shall become null and void and any subsequent action shall require submission of new plans.

D.2.4 Action Upon Approval

Once the plans and preliminary subdivision plat have received approval, construction may begin.

D.3 STANDARD DRAWINGS

See [Appendix E: Standard Drawings](#).

D.4 MATERIALS SPECIFICATION AND CONSTRUCTION PROCEDURES

D.4.1 Preliminary Work

D.4.1.1 Location and Protection of Underground Utilities

Prior to beginning excavation or grading, the subdivider shall determine, insofar as possible, the actual locations of all underground utilities in the vicinity of his operations and shall clearly mark them so that they can be avoided by equipment operators. Where such utility lines or services appear to lie in the path of construction, they shall be uncovered in advance to determine their exact location and depth and to avoid damage due to excavation or grading operations. Existing facilities shall be protected during construction or removed and replaced in equal condition, as necessary.

Should any existing utility line or service be damaged during or as a result of the subdivider's operations, the subdivider shall take such emergency measures as may be necessary to minimize damage and shall immediately notify the utility agency involved. The subdivider shall then repair the damage to the satisfaction of the utility agency or shall pay the utility agency for making the repairs. In all cases the damaged structure shall be in as good or better condition as before the damage occurred.

D.4.1.2 Surveying and Staking

The subdivider shall be responsible for his own surveys and establish his own grades unless otherwise directed by the enforcing officer.

D.4.1.3 Removal of Obstructions

The subdivider shall be responsible for the removal, safeguarding, and replacement of fences, walls, structures, culverts, street signs, billboards, shrubs, mailboxes, or other obstructions which must be moved to facilitate construction. Such obstructions shall be restored to at least their original condition.

D.4.1.4 Clearing and Grubbing

The subdivider shall be responsible for cutting, removing, and disposing of all trees, brush, stumps, roots, and weeds within the construction area. Disposal shall be by means of chippers, landfills, or other approved methods not in conflict with state or local ordinances.

Care shall be taken to avoid unnecessary cutting or damage to trees not in the construction area. The subdivider shall be responsible for loss or damage to trees outside the permanent easement or rights-of-way.

D.4.1.5 Traffic Control and Safety

The subdivider shall provide and maintain access to and from all properties along the line of his work. The subdivider shall also provide temporary bypasses and bridges where necessary to route traffic and shall maintain them in a safe and usable condition whenever, in the opinion of the enforcing officer, detouring of traffic to parallel routes cannot be done without hardship or excessive increase in travel by the public.

Where single-lane by-passes are provided the subdivider shall furnish signalmen to control traffic operations and minimize delays.

The subdivider shall provide, erect, and maintain adequate barricades, warning signs, and lights at all excavations, closures, detours, points of danger, and uncompleted pavement.

D.4.2 Street Construction

D.4.2.1 Stripping, Stockpiling, and Placing Topsoil

All topsoil shall be stripped within the street right-of-way and from any other area designated by the enforcing officer. Topsoil shall be stored in stockpiles. All organic matter within the right-of-way shall be stripped and disposed of unless directed otherwise by the enforcing officer.

A two (2) or three (3) inch layer of topsoil shall be placed where seeding is required or where required by the enforcing officer.

After the stockpiled topsoil has been placed as specified above, the area where the topsoil was stockpiled shall be neatly graded and dressed.

D.4.2.2 Excavation

Excavation shall conform to limits indicated on the plans. Excavation materials shall be removed in such manner that the slopes can be neatly trimmed. Excavation shall not be made below grade except where rock or stone masonry is encountered or undercutting of unstable materials is required. Materials removed below grade shall be replaced with approved materials thoroughly compacted. Where borrow materials are required to complete embankments or fills the subdivider shall be responsible for providing them.

Rock excavation shall be removed to a minimum depth of twelve (12) inches below the subgrade and backfilled with approved materials which shall be thoroughly compacted.

Where a spring or seepage water is encountered that is not provided for on drainage plans it shall be reported to the enforcing officer.

D.4.2.3 Fills and Embankments

Embankment and fill materials shall be free from frost, stumps, trees, roots, sod, or muck. Only materials from excavation or borrow pits, or other materials approved by the enforcing officer shall be used. Materials shall not be placed on frozen ground.

Where excavated materials are used in fill construction and the materials consist of earth and various grades of rock, the fills shall be carefully constructed with the larger or hard rock on the bottom followed by the smaller or soft rock and finally the earth fill to provide a well-compacted and void-free embankment.

All depressions or holes below the natural ground surface, whether caused by grubbing, rock removal, undercutting, or otherwise, shall be filled with suitable materials and compacted to ground surface before fill construction is started.

Backfilling around a structure shall have been completed and thoroughly compacted to ground surface before any embankment materials are placed thereon.

Embankments shall be so constructed that adequate surface drainage will be provided at all times.

Fill areas shall be compacted by a sheep's foot roller, to a density of not less than ninety-five (95) percent of optimum density and within three (3) percent of optimum moisture content per ASTM D 698, and each lift of fill materials shall be rolled until the roller "walk out".

Fill materials shall be placed in eight (8) inch lifts, maximum thickness. Where excavated materials consist mainly of rock too large to be placed in the normal eight (8) inch thickness without crushing or further breaking down the pieces. Such materials shall be placed in the fill in layers not exceeding three (3) feet in depth. No rock larger than eighteen (18) inches in dimension shall be placed in fill. Care shall be taken to fill all voids between large rock and to assure that fill materials are compacted such that settling is minimized. Compaction of the top six (6) inches of cuts or fills shall be accomplished with pneumatic-tire rollers.

Backfill around structures shall be of crushed stone or earth meeting the approval of the enforcing officer; and the fill shall be placed and compacted in eight (8) inch lifts and brought up evenly on all sides of the structure.

D.4.2.4 Undercutting

This work shall consist of the removal and disposal of unsatisfactory materials below grade in cut sections or areas upon which embankments are to be placed. It shall also include undercutting for pipes and box culverts where required.

Known areas to be undercut shall be designated on the materials approved by the enforcing officer. The backfill materials shall be placed in eight (8) inch lifts and compacted as specified for fill construction.

Disposal of unsatisfactory materials shall be approved by the enforcing officer.

D.4.2.5 Subgrade Construction and Preparation

The subgrade shall be prepared in reasonably close conformity with the lines and grades as shown on the plans.

Grading of subgrade shall be performed in such manner as to provide ready drainage of water. Ditches and drains shall be maintained to provide proper drainage during construction.

Hauling over finished subgrade shall be limited to that which is essential for construction purposes, and all ruts or rough places that develop in a completed subgrade shall be smoothed and recompact. Soft areas shall be removed and replaced with crushed stone or as directed by the enforcing officer.

The subgrade shall be checked and approved by the enforcing officer for adherence to the plans before any base materials are placed.

D.4.2.6 Shoulders and Slopes

All shoulders and slopes shall be trimmed and shaped to conform with the cross sections shown on the plans and as specified in Section [D.4.3.5 Asphaltic Wearing Surface](#), below. Rock cuts shall be sealed of

all loose fragments, projecting points, etc., so as to leave a clean and neat appearance. Shoulders shall be completed where required as shown on the plans and shall be double bituminous surface treated, with care being taken to protect the surface and edges of pavement. Shoulder materials shall be placed in uniform layers and compacted by overlapped rolling of both base course and pavement. The finished shoulder shall be firm against the pavement.

D.4.3 Base and Paving

D.4.3.1 Base Stone

After the sub-base has been inspected and approved by the Enforcing Officer, a base shall be constructed of the width and thickness indicated in the selected roadway cross-section.

The base course of stone shall be placed and compacted in layers or lifts upon the prepared subgrade to a finish thickness as described and shown on the plans. No single layer or lift shall exceed six (6) inches in depth.

The base course shall be a mix of mineral aggregate conforming to the technical specifications set forth in the Mineral Aggregate Base Section, of the latest of the [Tennessee Department of Transportation Standard Specifications for Road and Bridge Construction](#). The aggregate base shall not be spread on a subgrade that is frozen or that contains frost. The base shall be placed and spread in uniform layers or lifts without segregation of size; each layer shall be compacted to a thickness no greater than four (4) inches. The stone shall be mixed with graders or other equipment until a uniform mixture is obtained. Each layer shall be compacted by rolling with alternate blading until a smooth, even, and uniformly compacted finish is obtained.

The base stone shall be graded and rolled while it is still moist from the pugmill mix. If the enforcing officer determines that the mix is too dry, water shall be added with a distributor tank truck while the stone is being graded and rolled. Compaction shall be uniform for the entire width of the roadway until a density of eighty (80) percent of the solid volume has been achieved. Placement and compaction of each layer shall be approved by the enforcing officer before materials for the next successive layer are placed.

No pavement shall be placed until the stone base has been approved by the Enforcing Officer.

D.4.3.2 Prime Coat

After the base stone has been prepared as outlined above, a bituminous prime coat shall be applied uniformly over the surface of the base by the use of an approved bituminous distributor. The prime coat shall be applied at the rate of the three-tenths (3/10) gallon per square yard, using Grade RC-70 or RC-250, or refined tar Grade RT-2, RT-3, or emulsified asphalt, Grade AE-P. If, after the bituminous materials have been applied, they fail to penetrate before the time that the roadway is to be used by traffic, dry cover materials shall be spread at a rate established by the enforcing officer, (between eight (8) and twelve (12) pounds per square yard) to prevent damage to the primed surface. An excess of cover materials shall be avoided. No succeeding stage of construction shall be placed upon the prime coat until it has properly cured. Aggregate for cover materials shall be Size No. 78 or 8.

In addition to these general requirements, unless otherwise stipulated, all materials and methods of installation shall conform to the technical specifications set forth in Prime Coat Section, of the latest of the [Tennessee Department of Transportation Standard Specifications for Road and Bridge Construction](#).

D.4.3.3 Tack Coat

A tack coat shall be applied to old or existing pavement surface or to a previously prepared base or surface to provide bond for an overlaid course. The tack coat shall be applied at the rate of one-tenth (1/10) gallon per square yard using materials and methods of installation set forth in the Tack Coat Section, of the latest of the [Tennessee Department of Transportation Standard Specifications for Road and Bridge Construction](#).

D.4.3.4 Asphalt Base Mix

Upon completion of the application of the prime coat, or tack coat, an asphaltic concrete (hot mix) base shall be applied. The base mix shall be the thickness shown on the detail sheet for that class street. All materials and methods of installation shall conform to the technical specifications set forth in the Bituminous Plant Mix Base Section and Bituminous Plant Mix Pavements Section, of the latest of the [Tennessee Department of Transportation Standard Specifications for Road and Bridge Construction](#). The base mix shall be constructed of Grade BM (B-modified) materials, described in the Aggregate for Plant Mix Base and Leveling Courses Section, of the latest of the [Tennessee Department of Transportation Standard Specifications for Road and Bridge Construction](#).

Suitably sized samples for the determination of thickness and density of the completed pavement may be removed and tested, as directed by the Enforcing Officer. the contractor shall replace without cost where samples are removed. If the deficiency in composition, density and thickness exceeds the requirements specified, they shall be removed and replaced by the contractor. Only materials that have been demonstrated by test as satisfactory for the intended use will be accepted.

D.4.3.5 Asphaltic Wearing Surface

The final asphalt wearing surface shall not be placed until a minimum of seventy-five (75) percent of the residences served by the street are complete, any potholes in the binder have been repaired, the binder has been leveled, and where curbs are provided, the backfill behind such placed and compacted.

Upon approval of the Enforcing Officer the final wearing surface may be applied. The wearing surface shall be the thickness shown on the detail sheet for that class street. All materials and methods of installation shall conform to the technical specifications set forth in the Asphaltic Concrete Surface Section., of the latest of the [Tennessee Department of Transportation Standard Specifications for Road and Bridge Construction](#), for asphaltic concrete surface. The wearing surface shall be constructed of Grade D or E materials, described in Section 903.11, Standard Specifications, and shall utilize asphaltic cement Grade RT-4 or 5, or TRCB-5 or 6, as set forth in the Bituminous Materials Section, of the latest of the [Tennessee Department of Transportation Standard Specifications for Road and Bridge Construction](#).

Suitably sized samples for the determination of thickness and density of the completed pavement may be removed and tested, as directed by the Enforcing Officer. the contractor shall replace without cost where samples are removed. If the deficiency in composition, density and thickness exceeds the requirements specified, they shall be removed and replaced by the contractor. Only materials that have been demonstrated by test as satisfactory for the intended use will be accepted.

D.4.3.6 Shoulders

Shoulder construction shall be completed by blading, moistening as necessary, and by thoroughly compacting. The shoulders shall be the width and thickness shown on the typical section as required herein and covered with a double bituminous service treatment. The surface shall be prepared as directed in advance of the surface construction. Upon completion of the prime coat, a double bituminous surface treatment shall be applied with the first course being at a rate of between 0.38 and 0.42 gallons per square yard. If the width of application is wider than the distributor, each width of spread shall not be less than

one-half (1/2) the surface to be treated. Areas inaccessible to the distributor shall be treated either with hand sprays or pouring pots. Immediately after each application of bituminous materials has been made, it shall be covered uniformly with Size No. 6, mineral aggregate. The aggregate shall be allowed to cure for a length of time to be determined by the chief enforcing officer before the second application is begun.

The second application of bituminous materials shall be applied in the same manner as the first application, at a uniform rate of between 0.30 and 0.35 gallons per square yard. Mineral aggregate, Size No. 7, shall then be spread in the same manner as for the first spread at a rate between twenty (20) and twenty-five (25) pounds per square yard.

Immediately after each spread of cover aggregate, uniform coverage shall be achieved by hand brooming. Additional aggregate shall be placed by hand on thin or bare areas.

Immediately after spreading and brooming the cover aggregate, the entire surface shall be rolled, beginning at the edges and progressing to the edge of the pavement. Rolling shall begin within thirty (30) minutes after the aggregate had been spread. The same rolling and curing procedures required in making the first application shall be repeated in making the second application.

D.4.4 Drainage System Design

D.4.4.1 Ditching and Channelization

This work shall consist of the construction of ditches adjacent to roadway shoulders and feeding to and from culverts under or adjacent to the roadway. All drainage ditches shall be graded in their entirety during the time the roadways are being graded; such grading shall be completed prior to final inspection of the roadways.

D.4.4.2 Stabilization of Ditches

All open ditches shall be stabilized in accordance with the following requirements:

Size of Nearest Culvert (Upstream)	Seeding Required	To Be Sod Required	Concrete Lined
15"	Grades 1.00% - 3.00%	Grades 3.00% - 12.00%	Grades Exceeding 12.00%
18" thru 24"	Grades 1.00% - 1.5.0%	Grades 1.50% - 7.00%	Grades Exceeding 7.00%
30" thru 36"	Grades 1.00% - 1.50%	Grades 1.00% - 4.00%	Grades Exceeding 4.00%
42" thru 72"		Grades 2.50% or less	Grades Exceeding 2.50%

D.4.4.3 Concrete Ditch Paving

Concrete ditch paving shall consist of the construction of paved ditches on a prepared subgrade. The subgrade shall be shaped and compacted to a firm even surface. All soft materials shall be removed and replaced with acceptable materials and shall be compacted as directed by the enforcing officer.

Concrete ditch pavement shall be four (4) inches in thickness throughout and shall be backfilled immediately after the concrete has set and the forms have been removed. The backfilled materials shall be thoroughly compacted. Expansion joints shall be located as directed by the enforcing officer.

D.4.4.4 Culverts and Storm Drains

This work shall consist of the construction of pipe culverts and storm sewers as shown on the plans. No metal pipe shall be used without approval of the chief enforcing officer. Reinforced concrete pipes shall conform to minimum standards for Class III, Reinforced Pipes, ASTM. C76.

Bedding for pipe culverts shall be Class "B" material. Pipes shall be bedded on a six (6) inch thickness of Class "B" material and backfilled to a depth of thirty (30) percent of the diameter of the pipes. Recesses shall be dug in the bedding materials to accommodate the fill. Class "B" bedding shall be Size No. 7, as shown in Chart No. 903.23, of the Tennessee Department of Highways Standard Specifications. Culverts and storm drains in existing roadways shall be backfilled to the depth of the cut.

D.4.4.5 Headwalls

Concrete headwalls shall be constructed at both ends of cross drains as shown and detailed on the standard drawings included herein.

D.4.4.6 Catch Basins

This work shall consist of constructing catch basins complete within inlets, outlets, and inverts. Tops and inlets shall be constructed to conform to roadway grade so that drainage can easily be caught and no ponding created. Catch basins shall be constructed as shown and detailed on the standard drawings contained herein.

D.4.4.7 Box Culverts and Bridges

Design of box culverts and bridges shall be submitted to the enforcing officer for approval before construction is permitted. These designs shall be stamped and signed by a licensed engineer in the State of Tennessee, before submittal to the City for approval.

D.4.4.8 Extruded Concrete Curb or Formed Curb with Gutter

Concrete curbs or curbs with gutters shall conform to the standard drawings as detailed herein. Concrete for curbs and gutters shall be Class "A", at thirty-five hundred (3,500) psi. Curbs and gutters shall be constructed to the lines and grades shown on the plans, or as designated by the enforcing officer. The final subgrade for curbs and gutters shall be carefully graded and compacted to an even density and shall be smooth and true to grade.

Formed curbs with gutters shall be constructed in sections of uniform length of approximately ten (10) feet, unless, otherwise, shown on the plans or directed by the chief enforcing officer. Expansion joints shall be formed at intervals of approximately fifty (50) feet using three-fourths (3/4) inch thick joint filler.

The contractor shall backfill behind all curbs. Parallel ditches behind and adjacent to curbs and gutters will not be allowed.

Concrete shall be tested in accordance with provisions set forth in AASHTO T-22, by a private testing laboratory. the frequency of testing shall be two tests for each fifty (50) cubic yards, and fraction thereof, placed in one day. Test specimens are to be made and cured in accordance with AASHTO T-23. The, aforesaid, tests will be conducted at the expense of the developer and test results shall be submitted to the Enforcing Officer.

D.4.5 Final Dressing, Seeding, and Sodding

D.4.5.1 Final Dressing

This work shall consist of dressing all slopes and areas to within reasonable close conformity to the lines and grades indicated on the plans, or as directed by the enforcing officer. Final dressing shall be performed by hand or machine to produce a uniform finish to all parts of the roadway including embankments, ditches,

etc. Rock cuts shall be cleaned of all loose fragments; side slopes shall be laid back to a three to one (3:1) slope and seeded as described in these specifications.

The entire right-of-way shall be cleaned of all weeds and brush and all structures both old and new shall be cleared of all brush, rubbish, sediment, or other objectionable materials.

D.4.5.2 Seeding

In all areas damaged or disturbed by the construction operation where established ground cover was present before beginning of construction, the subdivider shall be responsible for restoring the ground cover after completion of construction, unless noted otherwise on drawings. All areas seeded shall be graded smooth prior to seeding and the subdivider shall be responsible for maintenance of the smooth finished grade until grass is established.

After designated areas have been carefully hand graded, soil shall be prepared for fertilizing and seeding. Fertilizer shall be a standard commercial fertilizer Grade 15-15-15, or equivalent, and shall be applied at a rate of not less than ten (10) pounds per one thousand (1,000) square feet. The fertilizer shall be lightly harrowed, raked, or otherwise incorporated into the soil for a depth of approximately one half (1/2) inch. The subdivider shall be responsible for any regrading or reseeded required to produce an acceptable grass cover. Rutting and washing shall be restored by reseeded and strawing; in areas of extreme erosion sodding may be required. The seed shall be as follows:

Name	Percent by Weight
Lespedeza	20
Serices Lespedeza	15
Kentucky 31 Fescue	40
English Rye	15
White Dutch Clover	5
Weeping Love Grass	5
or	
Kentucky 31 Fescue	55
Redtop	15
English Rye	20
White Dutch Clover	5
Weeping Love Grass	5
The seed shall be sown uniformly at the rate of one and one-half (1 1/2) pounds per one thousand (1,000) square feet.	

D.4.5.3 Sodding

Sodding shall consist of furnishing and placing sod at all locations shown on the plans, or as directed by the enforcing officer. Work shall include the furnishing and placing of new sod, consisting of live, dense, well- rooted growth of permanent grasses free from johnson grass and other obnoxious grasses or weeds, well suited for the soil on which it is placed. All sod shall be cleanly cut in strips having a uniform thickness of not less than two and one-half (2 1/2) inches. Sod shall be set when the soil is moist and favorable to growth. No setting shall be done between October 1 and April 1, without permission of the enforcing officer. The area to be sodded shall be brought to the lines and grades shown on the plans, or as directed by the enforcing officer.

The surface of the ground to be sodded shall be loosened to a depth of not less than one (1) inch with a rake or other device. If necessary, it shall be sprinkled until saturated for a minimum depth of one (1) inch and kept moist until the sod is placed. Immediately before placing the sod, fertilizer and lime shall be applied

uniformly to the prepared surface of the ground. Fertilizer shall be applied at the rate of eight (8) pounds of Grade 15-15- 15, or equivalent, per one thousand (1,000) square feet.

Sod shall be placed as soon as practical after removal from the point of origin, it shall be kept in a moist condition during the interim. Sod shall be carefully placed by hand on the prepared ground surface with the edges in close contact and, as far as possible, in a position to break joints. Each strip of sod laid shall be fitted into place and tamped. Immediately after placing, the sod shall be thoroughly wetted and rolled with an approved roller. On slopes of two to one (2:1) or steeper, pinning or pegging may be required to hold the sod in place.

The sod shall be watered as directed by the enforcing officer for a period of two (2) weeks. The subdivider shall not permit any equipment or materials to be placed on any planted area and shall erect suitable barricades and guards to prevent equipment, labor, or the public from traveling on or over any area planted with sod.

D.4.6 Inspection of Work

D.4.6.1 Notice of Work Beginning

Prior to the beginning of construction, the contractor shall notify the chief enforcing officer in writing at least twenty-four (24) hours in advance.

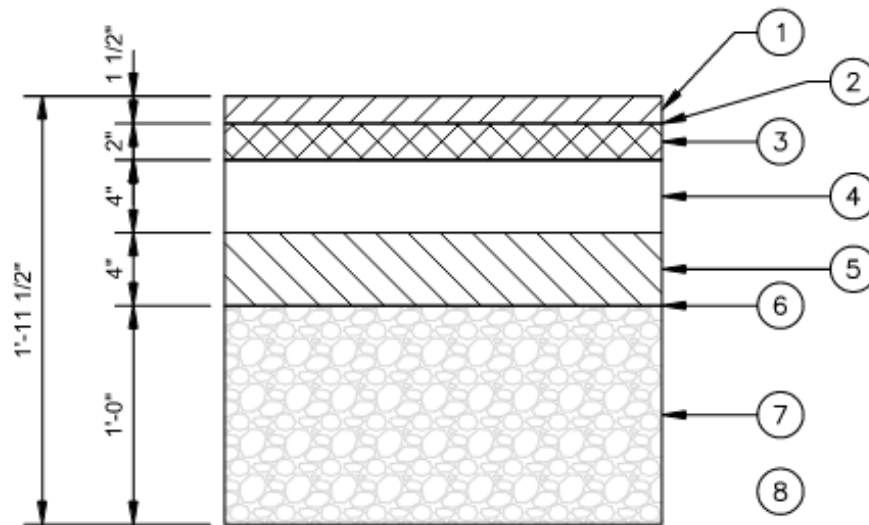
D.4.6.2 Precedence

Should the specifications in the contract documents differ from those contained herein, the most stringent shall take precedence, unless specified in writing by the chief enforcing officer.

D.4.6.3 Testing and Inspection

The Portland Enforcing Officer shall be supplied a copy of all construction plans, profiles and specifications required by these regulations. All results of tests required by these regulations shall be provided to the Enforcing Officer.

APPENDIX E: STANDARD DRAWINGS



Pavement Schedule:

- | | |
|---|---|
| ① | 1.5" - BITUMINOUS SURFACE COURSE
411-02.10 ACS MIX (PG 70-22) GRADING D |
| ② | TACK COAT
403-01 BITUMINOUS MATERIAL FOR TACK COAT (TC) @0.07 GAL/SY (@0.10 GAL/SY MILLED SURFACES) |
| ③ | 2" - ASPHALT BINDER (226 LB/SY)
307-02.08 ASPHALT CONCRETE MIX (PG 70-22) (BPMB-HM) GRADING B-M2 |
| ④ | 4" - ASPHALTIC AGGREGATE BASE BINDER (460 LB/SY)
307-02.01 ASPHALT CONCRETE MIX (PG 70-22) (BPMB-HM) GRADING A |
| ⑤ | 4" - ASPHALT AGGREGATE BASE (360 LB/SY)
307-02.02 ASPHALT CONCRETE MIX (PG 70-22) (BPMB-HM) GRADING A-S
307-02.03 AGGREGATE (BPMB-HM) GRADING A-S |
| ⑥ | PRIME COAT
402-01 BITUMINOUS MATERIAL FOR PRIME COAT (PC) @0.30-0.35 GAL/SY
402-02 AGGREGATE FOR COVER MATERIAL (PC) @8-12 LB/SY |
| ⑦ | 12" - MINERAL AGGREGATE BASE
303-01 MINERAL AGGREGATE, TYPE A BASE, GRADING D |
| ⑧ | AGGREGATE UNDERDRAINS WITH PIPE (NOT SHOWN)
(COORDINATE WITH TDOT STD. DRAWING RD-UD-3) |

Notes:

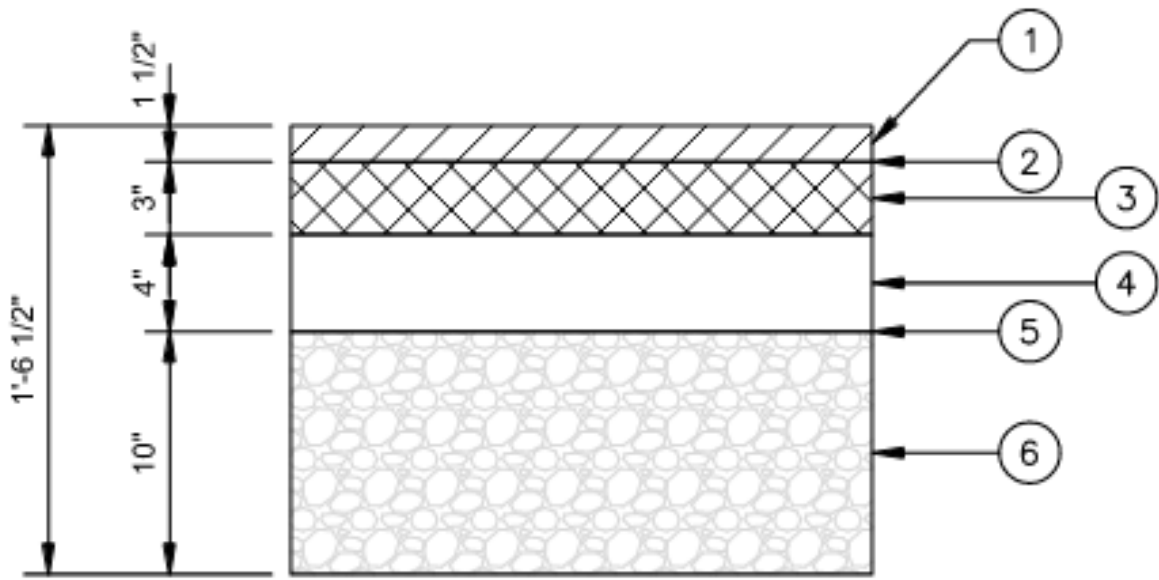
1. THICKNESSES SHOWN ARE MINIMUMS. FINAL DESIGN THICKNESS TO BE DETERMINED BY A GEOTECHNICAL ENGINEER.
2. REFERENCE "STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION" OF THE TENNESSEE DEPARTMENT OF TRANSPORTATION

Major and Minor Arterial Pavement Section

City of Portland, TN

Standard Detail

SD-1



Pavement Schedule:

- | | |
|---|--|
| ① | 1.5" - BITUMINOUS SURFACE COURSE
411-02.10 ACS MIX (PG 70-22) GRADING D |
| ② | TACK COAT
403-01 BITUMINOUS MATERIAL FOR TACK COAT (TC) @0.07 GAL/SY (@0.10 GAL/SY MILLED SURFACES) |
| ③ | 3" - BITUMINOUS AGGREGATE BASE
307-02.08 ASPHALT CONCRETE MIX (PG 70-22) (BPMB-HM) GRADING B-M2 |
| ④ | 4" - BITUMINOUS AGGREGATE BASE (460 LB/SY)
307-02.01 ASPHALT CONCRETE MIX (PG 70-22) (BPMB-HM) GRADING A |
| ⑤ | PRIME COAT
402-01 BITUMINOUS MATERIAL FOR PRIME COAT (PC) @0.30-0.35 GAL/SY
402-02 AGGREGATE FOR COVER MATERIAL (PC) @8-12 LB/SY |
| ⑥ | 10" - MINERAL AGGREGATE BASE
303-01 MINERAL AGGREGATE, TYPE A BASE, GRADING D |

Notes:

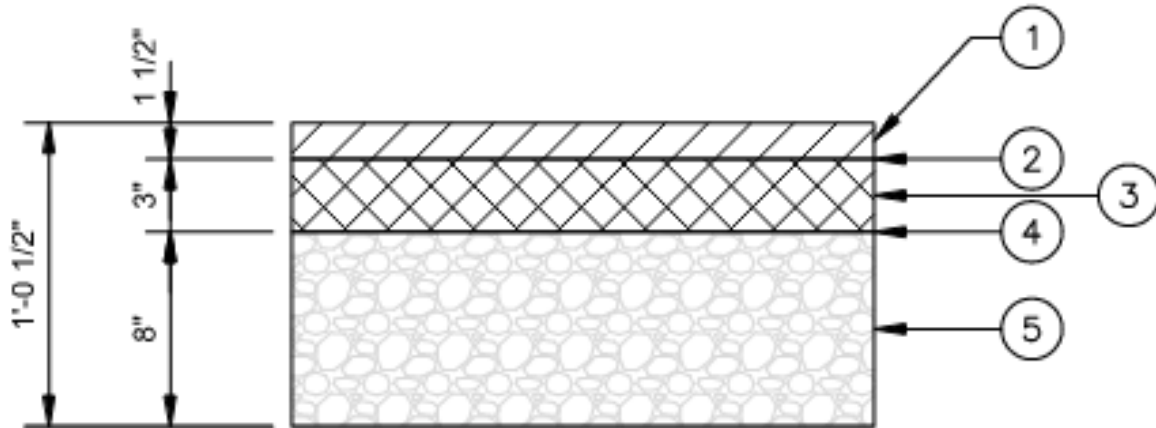
1. THICKNESSES SHOWN ARE MINIMUMS. FINAL DESIGN THICKNESS TO BE DETERMINED BY A GEOTECHNICAL ENGINEER.
2. REFERENCE "STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION" OF THE TENNESSEE DEPARTMENT OF TRANSPORTATION

Major and Minor Collector Pavement Section

City of Portland, TN

Standard Detail

SD-2



Pavement Schedule:

- | | |
|---|--|
| 1 | 1.5" - BITUMINOUS SURFACE COURSE,
411-01.11 ACS MIX (PG 64-22) GRADING E RDWY |
| 2 | TACK COAT
403-01 BITUMINOUS MATERIAL FOR TACK COAT (TC) @0.07 GAL/SY (@0.10 GAL/SY MILLED SURFACES) |
| 3 | 3" - BITUMINOUS AGGREGATE BASE
307-01.08 ASPHALT CONCRETE MIX (PG 64-22) (BPMB-HM) GRADING B-M2 |
| 4 | PRIME COAT
402-01 BITUMINOUS MATERIAL FOR PRIME COAT (PC) @0.30-0.35 GAL/SY
402-02 AGGREGATE FOR COVER MATERIAL (PC) @8-12 LB/SY |
| 5 | 8" - MINERAL AGGREGATE BASE
303-01 MINERAL AGGREGATE, TYPE A BASE, GRADING D |

Notes:

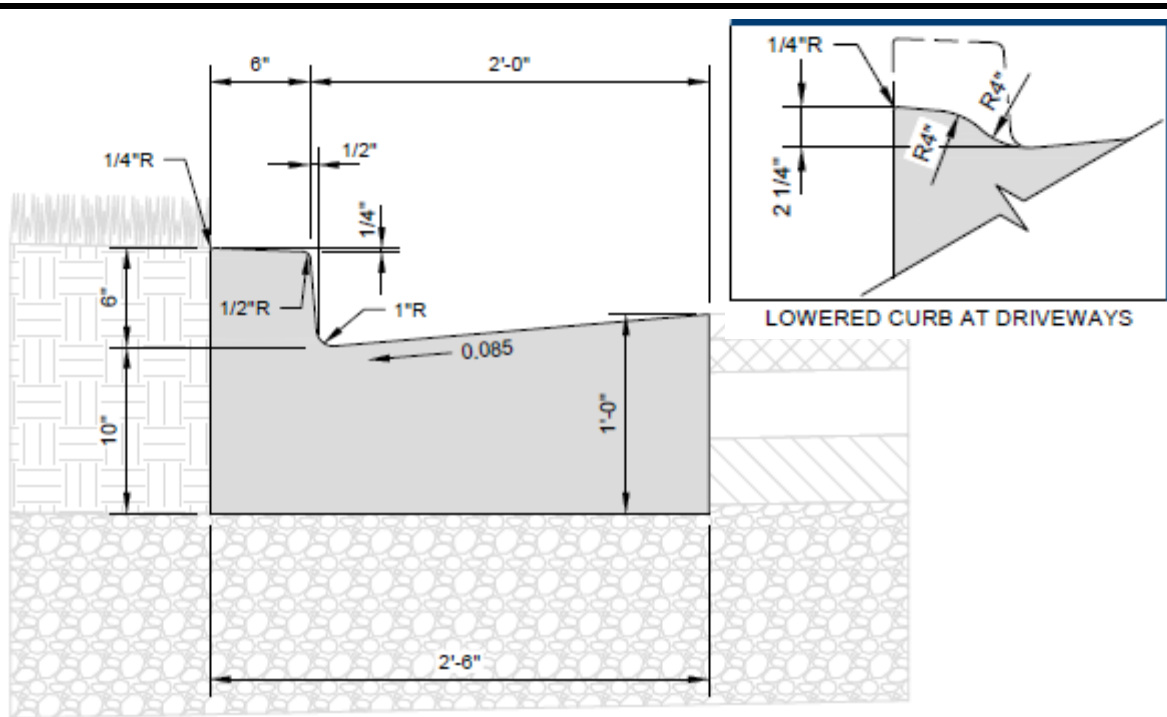
1. THICKNESSES SHOWN ARE MINIMUMS. FINAL DESIGN THICKNESS TO BE DETERMINED BY A GEOTECHNICAL ENGINEER.
2. REFERENCE "STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION" OF THE TENNESSEE DEPARTMENT OF TRANSPORTATION

Local and Alley Pavement Section

City of Portland, TN

Standard Detail

SD-3



Notes:

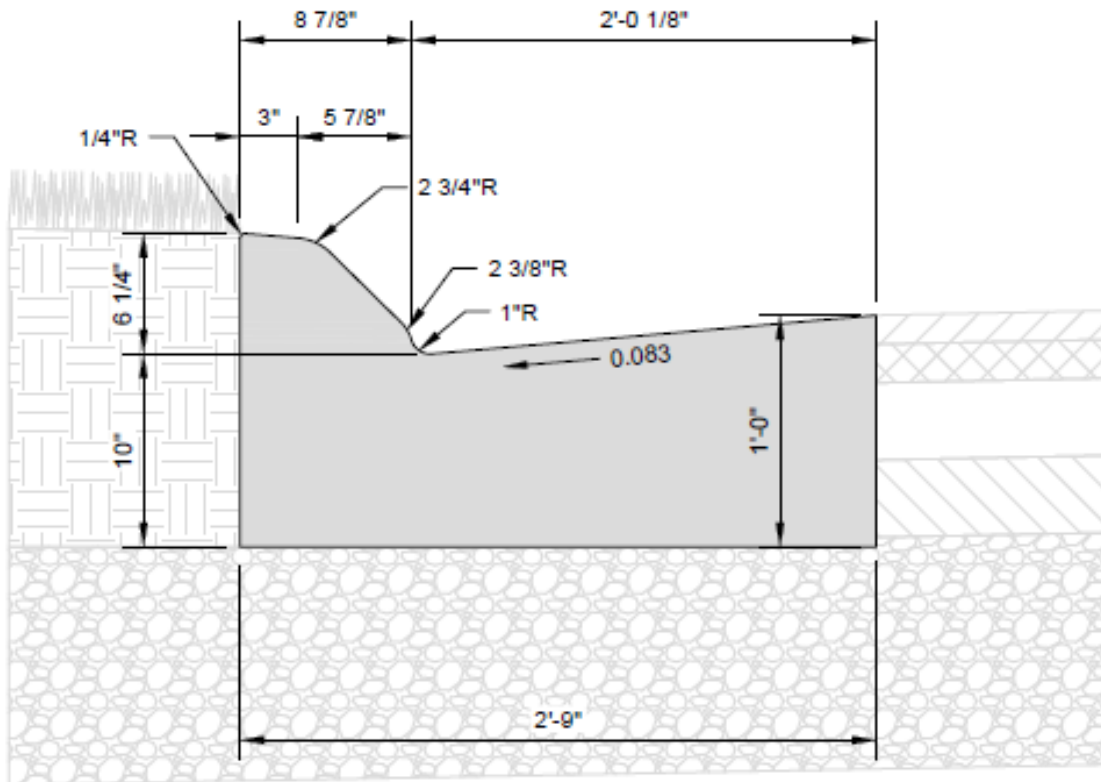
1. REFERENCE "STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION" OF THE TENNESSEE DEPARTMENT OF TRANSPORTATION, SECTION 702 - CEMENT CONCRETE CURB, GUTTER, AND COMBINED CURB AND GUTTER
2. THE FRONT FACE OF THE CONCRETE CURBS FOR ALL DEGREES OF CURVATURE SHALL CONFORM TO THE CONTOUR OF THE CURVE. NO CHORD SECTIONS WILL BE PERMITTED.
3. CONCRETE: CLASS A (3,000 PSI, 6% AIR)
4. EXPANSION JOINTS: 1/2" THICK U.N.O. (SEE ALSO DRAWING RP-10)
 - A. RUBBERIZED EXPANSION JOINT FILLER (AASHTO M153, TYPE 1)
 - B. POLYPROPYLENE FOAM JOINT FILLER (ASTM D8139)
5. EXPANSION JOINTS SHALL BE PLACED AS FOLLOWS:
 - C. AT TANGENT POINTS OF CIRCULAR CURBS
 - D. BETWEEN CURBS AND ABUTTING RIGID OBJECTS
 - E. AT OTHER PLACES WHERE STRESSES MAY DEVELOP
 - F. TO LINE UP WITH PAVEMENT JOINTS WHERE THE ADJACENT PAVEMENT IS CONCRETE.
 - G. AT A MAXIMUM SPACING OF 100 FEET
6. CONTRACTION JOINTS: SPACED AT 10 FEET. SPACING MAY BE REDUCED FOR CLOSURES, BUT NOT LESS THAN 6 FEET.
7. COMBINED CURB AND GUTTER BASED ON TDOT STD. DRAWING RP-VC-10
8. INLET CASTING: JBS 3300-V OR APPROVED EQUAL WITH DIRECTIONAL VANE GRATES AND SURFACE MOUNT ENVIRONOTICE PLATES STATING "DUMP NO WASTE DRAINS TO RIVER"

Arterial and Collector Curb and Gutter

City of Portland, TN

Standard Detail

SD-4



Notes:

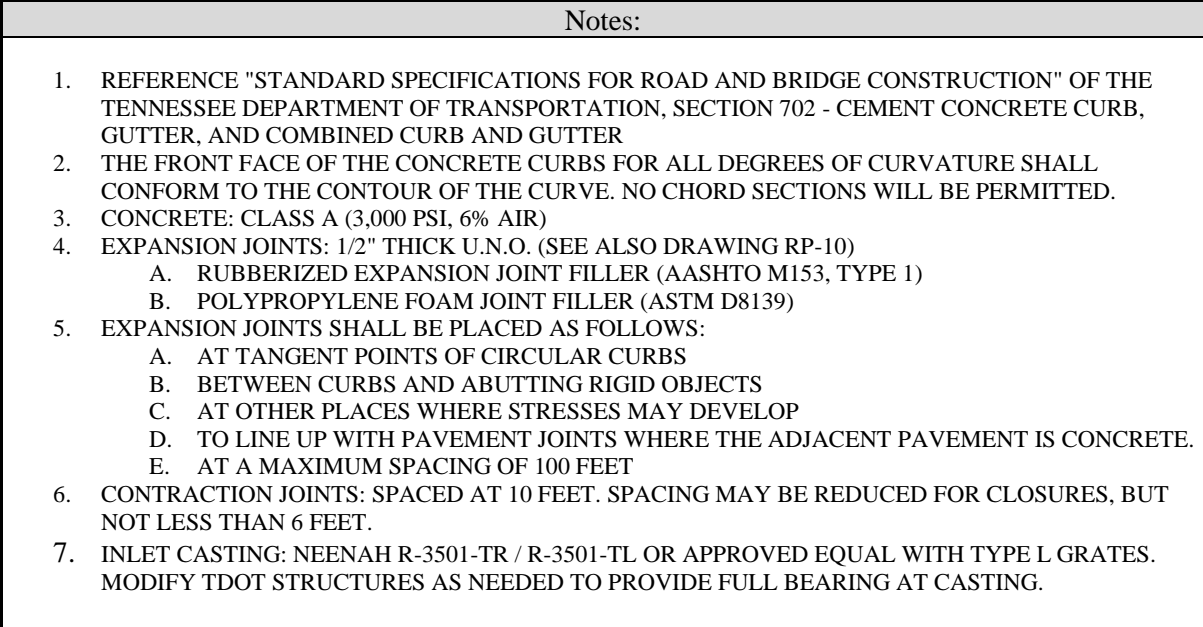
1. REFERENCE "STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION" OF THE TENNESSEE DEPARTMENT OF TRANSPORTATION, SECTION 702 - CEMENT CONCRETE CURB, GUTTER, AND COMBINED CURB AND GUTTER
2. THE FRONT FACE OF THE CONCRETE CURBS FOR ALL DEGREES OF CURVATURE SHALL CONFORM TO THE CONTOUR OF THE CURVE. NO CHORD SECTIONS WILL BE PERMITTED.
3. CONCRETE: CLASS A (3,000 PSI, 6% AIR)
4. EXPANSION JOINTS: 1/2" THICK U.N.O. (SEE ALSO DRAWING RP-10)
 - A. RUBBERIZED EXPANSION JOINT FILLER (AASHTO M153, TYPE 1)
 - B. POLYPROPYLENE FOAM JOINT FILLER (ASTM D8139)
5. EXPANSION JOINTS SHALL BE PLACED AS FOLLOWS:
 - A. AT TANGENT POINTS OF CIRCULAR CURBS
 - B. BETWEEN CURBS AND ABUTTING RIGID OBJECTS
 - C. AT OTHER PLACES WHERE STRESSES MAY DEVELOP
 - D. TO LINE UP WITH PAVEMENT JOINTS WHERE THE ADJACENT PAVEMENT IS CONCRETE.
 - E. AT A MAXIMUM SPACING OF 100 FEET
6. CONTRACTION JOINTS: SPACED AT 10 FEET. SPACING MAY BE REDUCED FOR CLOSURES, BUT NOT LESS THAN 6 FEET.
7. COMBINED CURB AND GUTTER BASED ON TDOT STD. DRAWING RP-SC-1

Arterial and Collector Curb and Gutter (Sloping Curb)

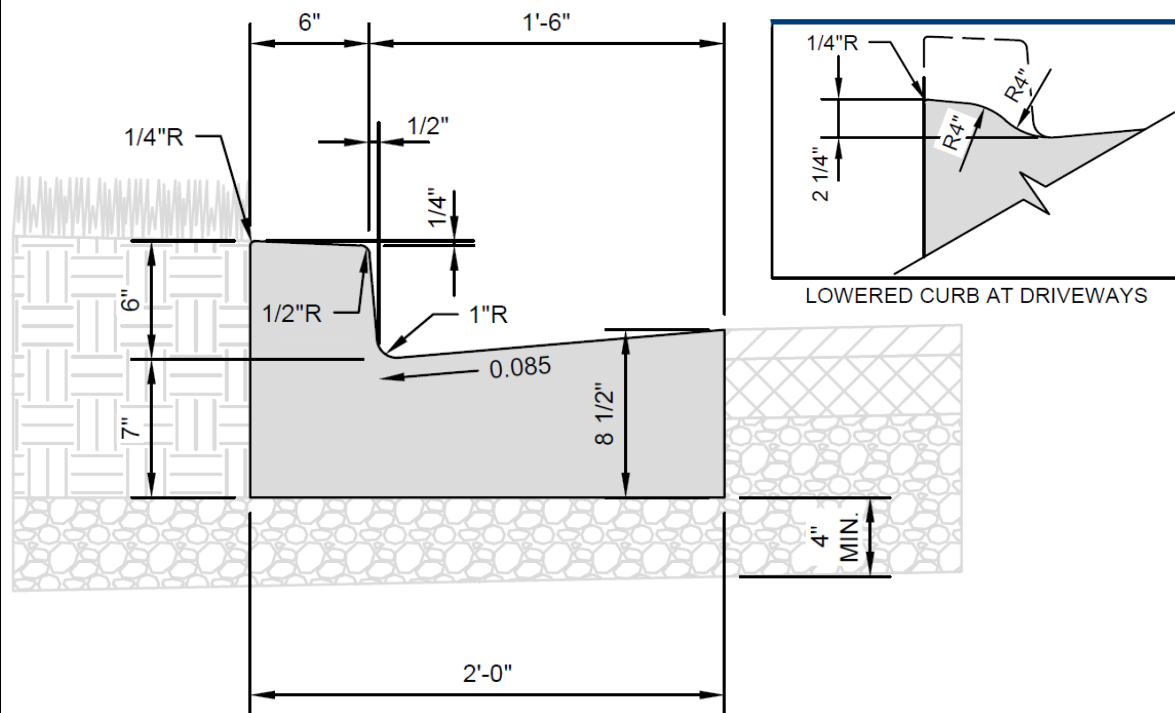
City of Portland, TN

Standard Detail

SD-5



SD-6



Notes:

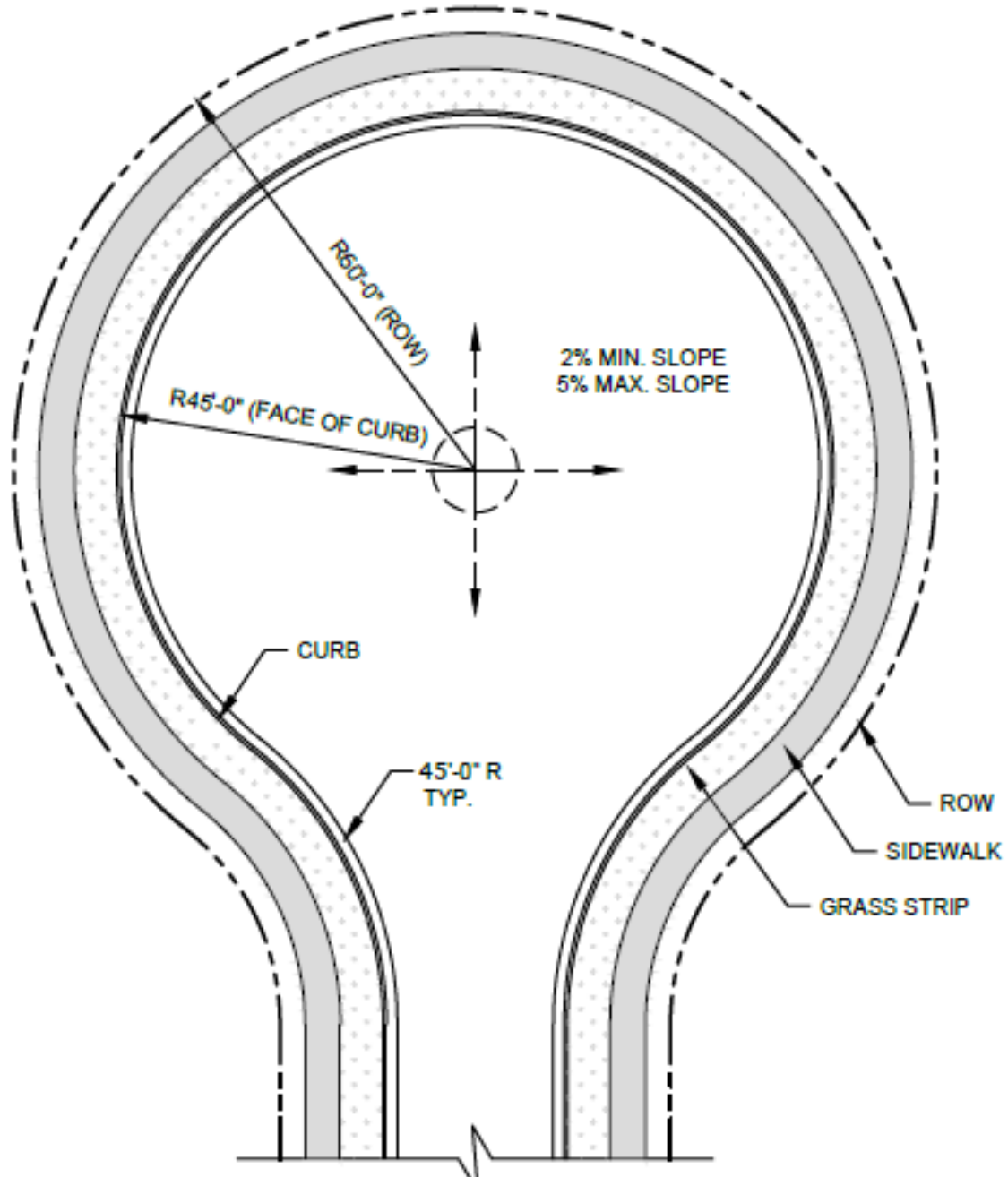
1. REFERENCE "STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION" OF THE TENNESSEE DEPARTMENT OF TRANSPORTATION, SECTION 702 - CEMENT CONCRETE CURB, GUTTER, AND COMBINED CURB AND GUTTER
2. THE FRONT FACE OF THE CONCRETE CURBS FOR ALL DEGREES OF CURVATURE SHALL CONFORM TO THE CONTOUR OF THE CURVE. NO CHORD SECTIONS WILL BE PERMITTED.
3. CONCRETE: CLASS A (3,000 PSI, 6% AIR)
4. EXPANSION JOINTS: 1/2" THICK U.N.O. (SEE ALSO DRAWING RP-10)
 - A. RUBBERIZED EXPANSION JOINT FILLER (AASHTO M153, TYPE 1)
 - B. POLYPROPYLENE FOAM JOINT FILLER (ASTM D8139)
5. EXPANSION JOINTS SHALL BE PLACED AS FOLLOWS:
 - A. AT TANGENT POINTS OF CIRCULAR CURBS
 - B. BETWEEN CURBS AND ABUTTING RIGID OBJECTS
 - C. AT OTHER PLACES WHERE STRESSES MAY DEVELOP
 - D. TO LINE UP WITH PAVEMENT JOINTS WHERE THE ADJACENT PAVEMENT IS CONCRETE.
 - E. AT A MAXIMUM SPACING OF 100 FEET
6. CONTRACTION JOINTS: SPACED AT 10 FEET. SPACING MAY BE REDUCED FOR CLOSURES, BUT NOT LESS THAN 6 FEET.
7. INLET CASTING: JBS 3080-V OR APPROVED EQUAL WITH DIRECTIONAL VANE GRATES AND SURFACE MOUNT ENVIRONOTICE PLATES STATING "DUMP NO WASTE DRAINS TO RIVER". MODIFY TDOT STRUCTURES AS NEEDED TO PROVIDE FULL BEARING AT CASTING.

Local Curb and Gutter – Non-Residential Zoning Only

City of Portland, TN

Standard Detail

SD-7



Notes:

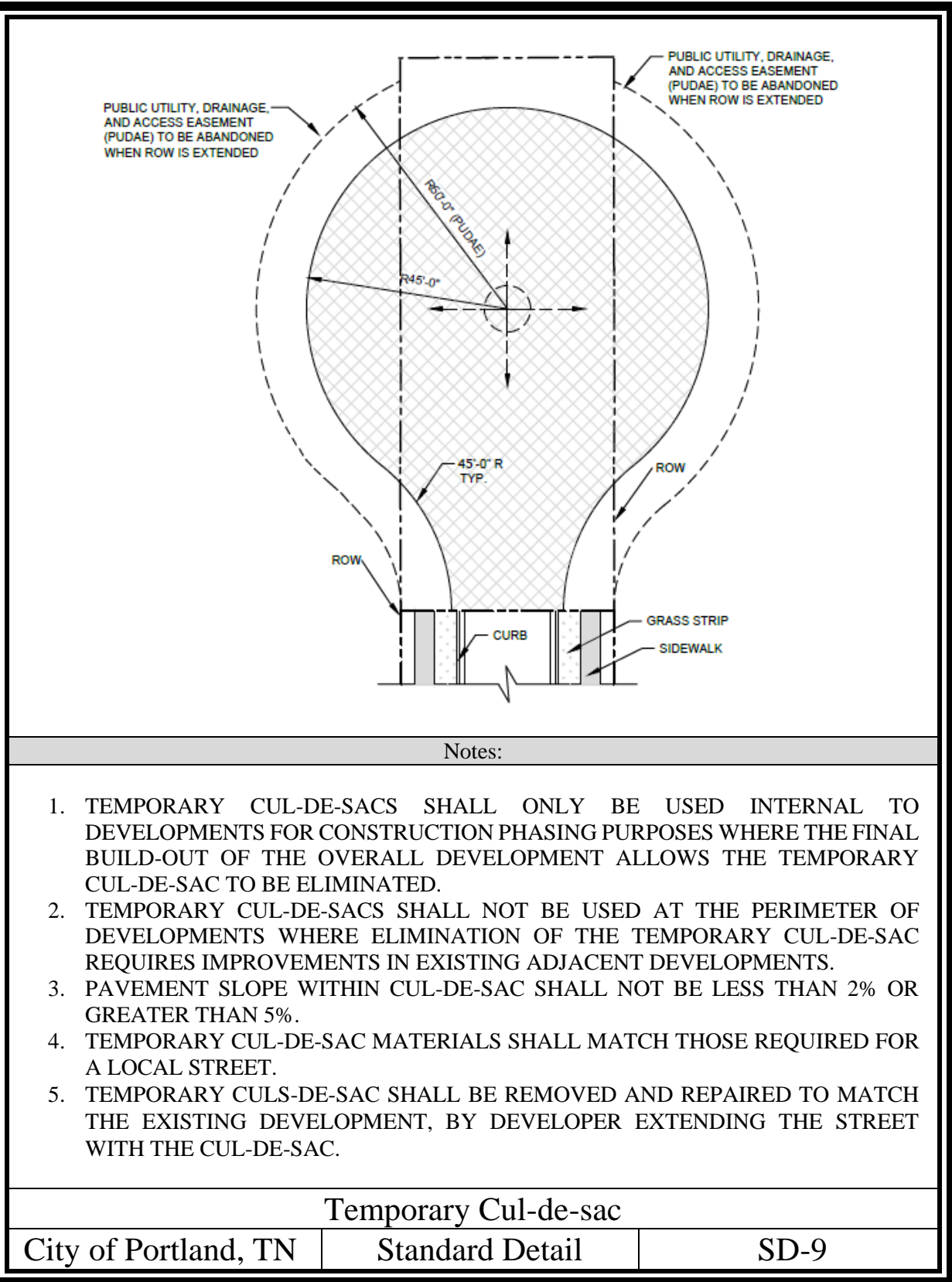
1. PAVEMENT SLOPE WITHIN CUL-DE-SAC SHALL NOT BE LESS THAN 2% OR GREATER THAN 5% .

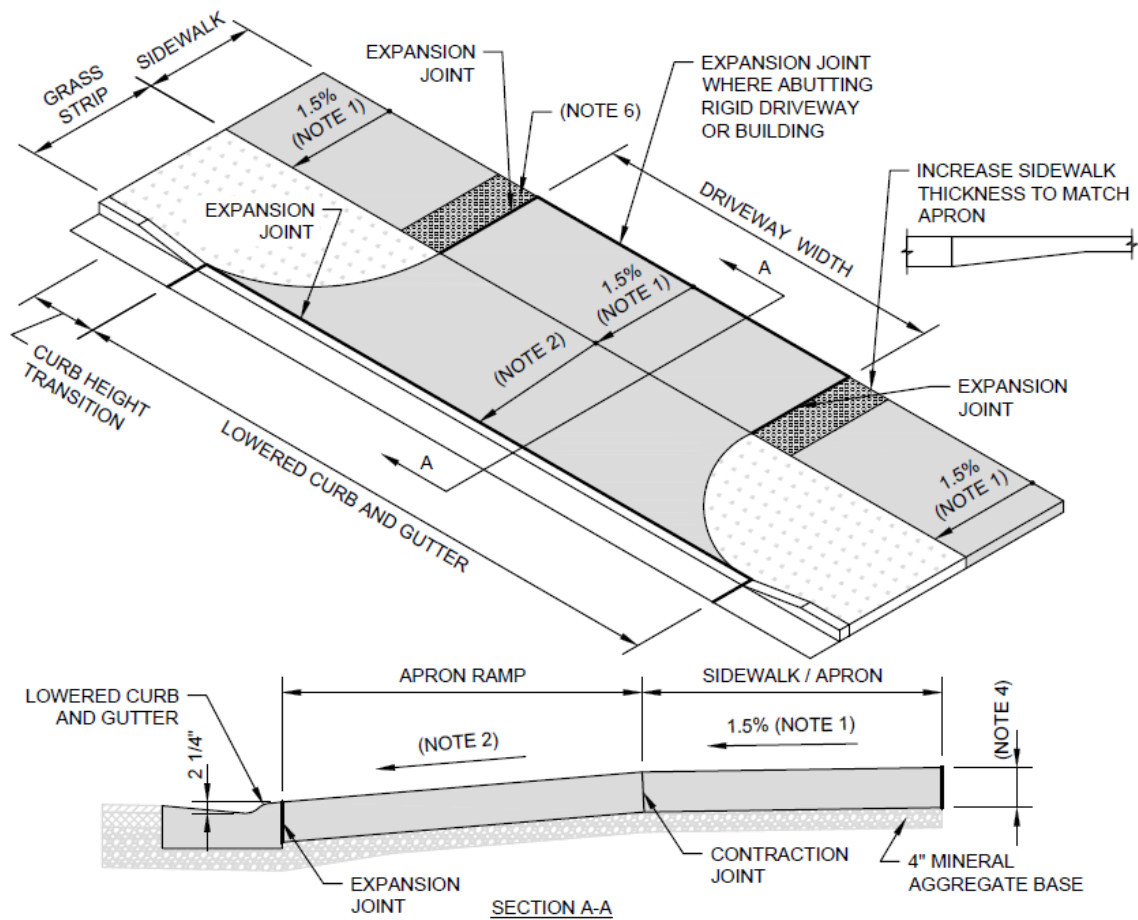
Permanent Cul-de-sac

City of Portland, TN

Standard Detail

SD-8





Notes:

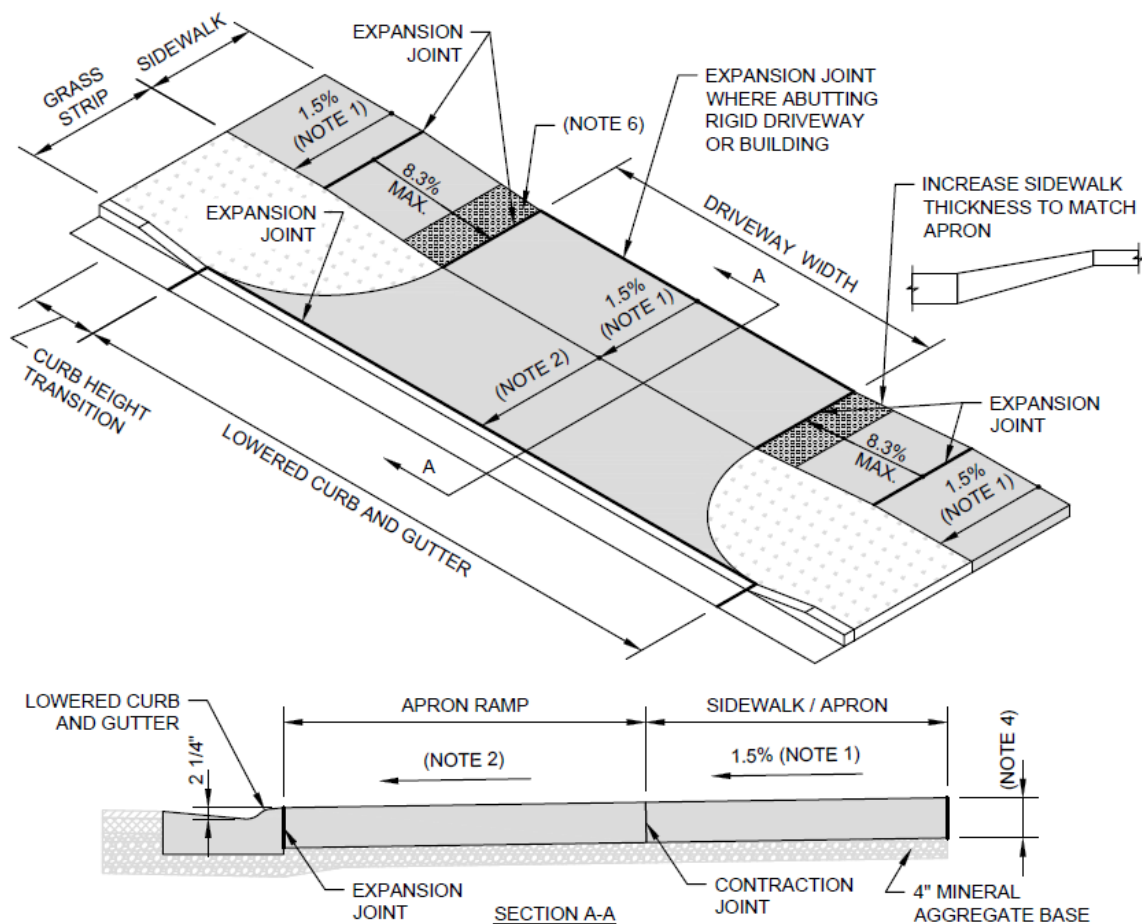
1. SIDEWALK CROSS SLOPE: 1.5% DESIRABLE, 2.0% MAX.
2. APRON RAMP SLOPE:
 - a. 8% MAX., 1.5% MIN. AT RESIDENTIAL DRIVEWAYS, EXCEPT MULTI-FAMILY RESIDENTIAL
 - b. 6% MAX., 1.5% MIN. AT ALL OTHER DRIVEWAYS
3. MINERAL AGGREGATE BASE: 4" MIN. THICK 303-01 MINERAL AGGREGATE, TYPE A BASE, GRADING d
3. CONCRETE: CLASS A (3,000 PSI, 6% AIR) WITH SYNTHETIC FIBER REINFORCEMENT
 - a. 6" MIN. THICK AT RESIDENTIAL DRIVEWAYS, EXCEPT MULTI-FAMILY
 - b. 8" MIN. THICK AT NONRESIDENTIAL, MIXED-USE, AND MULTI-FAMILY RESIDENTIAL DRIVEWAYS
4. EXPANSION JOINTS: 1/2" THICK U.N.O. (SEE ALSO DRAWING RP-10)
 - a. RUBBERIZED EXPANSION JOINT FILLER (AASHTO M153, TYPE 1)
 - b. POLYPROPYLENE FOAM JOINT FILLER (ASTM D8139)
5. DETECTABLE WARNING SURFACE.
 - a. PROVIDE AT DRIVEWAYS WITH YIELD OR STOP CONTROL ONLY

Concrete Driveway Apron with Grass Strip

City of Portland, TN

Standard Detail

SD-10



Notes:

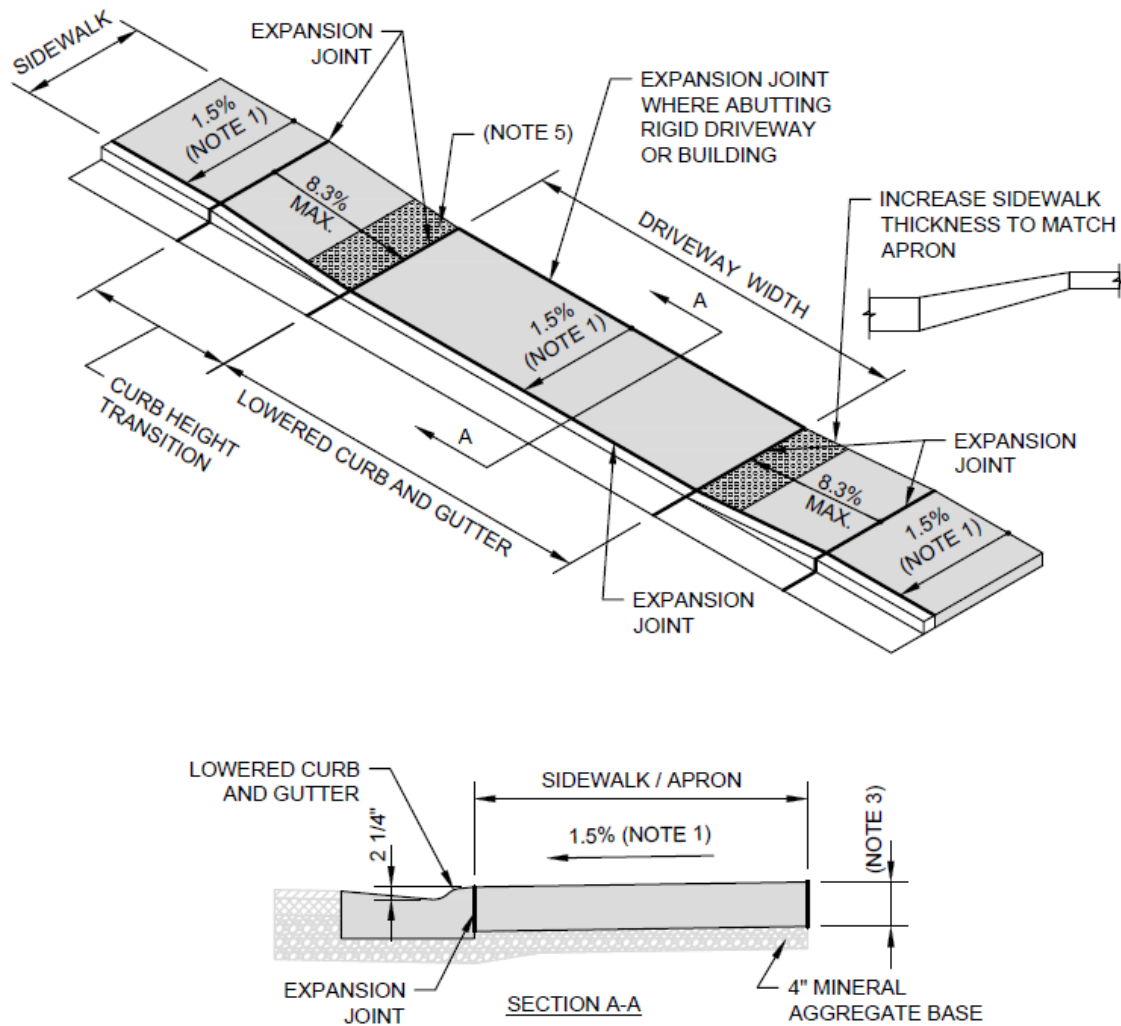
1. SIDEWALK CROSS SLOPE: 1.5% DESIRABLE, 2.0% MAX.
2. APRON RAMP SLOPE:
 - a. 8% MAX., 1.5% MIN. AT RESIDENTIAL DRIVEWAYS, EXCEPT MULTI-FAMILY RESIDENTIAL
 - b. 6% MAX., 1.5% MIN. AT ALL OTHER DRIVEWAYS
3. MINERAL AGGREGATE BASE: 4" MIN. THICK 303-01 MINERAL AGGREGATE, TYPE A BASE, GRADING D
4. CONCRETE: CLASS A (3,000 PSI, 6% AIR) WITH SYNTHETIC FIBER REINFORCEMENT
 - a. 6" MIN. THICK AT RESIDENTIAL DRIVEWAYS, EXCEPT MULTI-FAMILY
 - b. 8" MIN. THICK AT NONRESIDENTIAL, MIXED-USE, AND MULTI-FAMILY RESIDENTIAL DRIVEWAYS
5. EXPANSION JOINTS: 1/2" THICK U.N.O. (SEE ALSO DRAWING RP-10)
 - a. RUBBERIZED EXPANSION JOINT FILLER (AASHTO M153, TYPE 1)
 - b. POLYPROPYLENE FOAM JOINT FILLER (ASTM D8139)
6. DETECTABLE WARNING SURFACE.
 - a. PROVIDE AT DRIVEWAYS WITH YIELD OR STOP CONTROL ONLY

Lowered Concrete Drive with Grass Strip

City of Portland, TN

Standard Detail

SD-11



Notes:

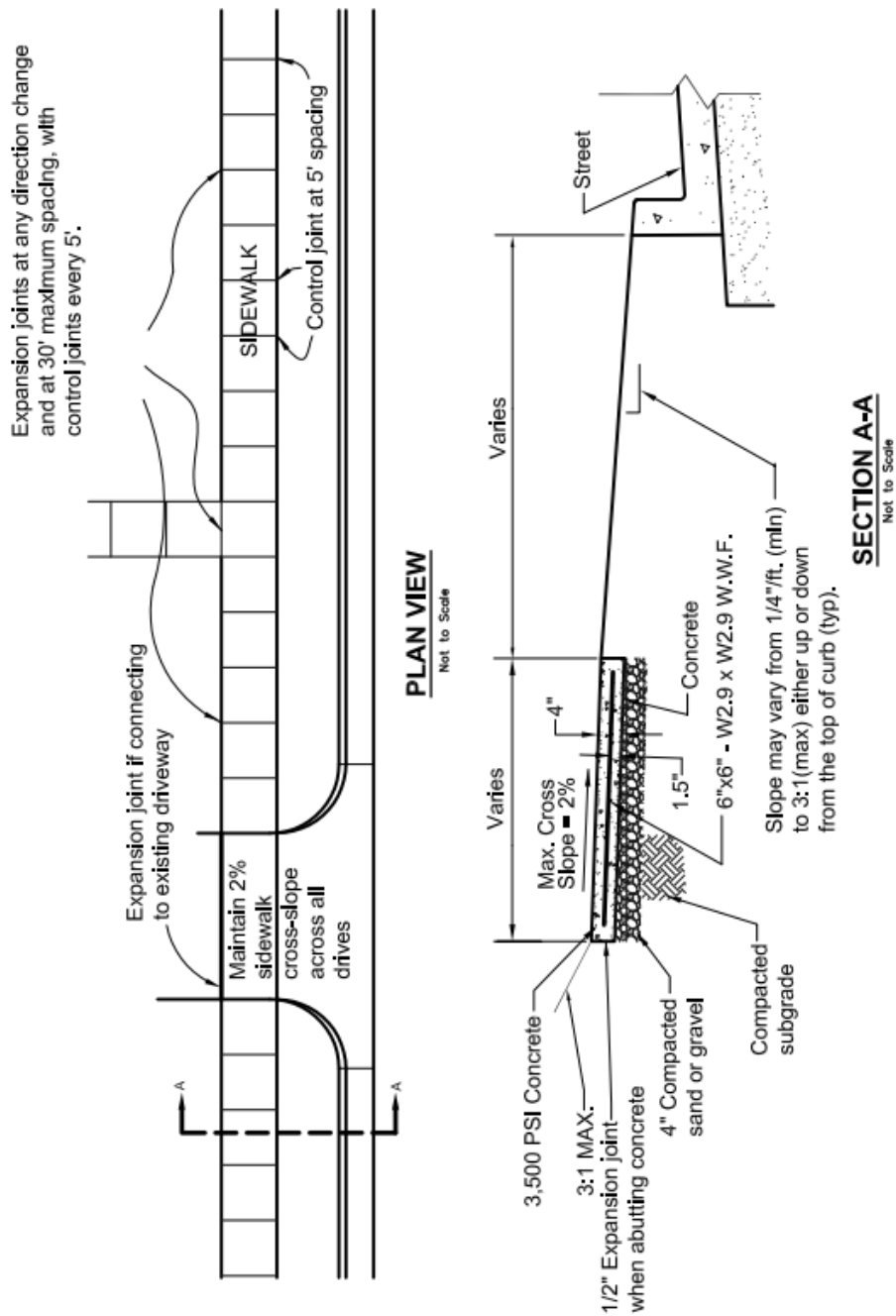
1. SIDEWALK CROSS SLOPE: 1.5% DESIRABLE, 2.0% MAX.
2. MINERAL AGGREGATE BASE: 4" MIN. THICK 303-01 MINERAL AGGREGATE, TYPE A BASE, GRADING D
3. CONCRETE: CLASS A (3,000 PSI, 6% AIR) WITH SYNTHETIC FIBER REINFORCEMENT
 - a. 6" MIN. THICK AT RESIDENTIAL DRIVEWAYS, EXCEPT MULTI-FAMILY
 - b. 8" MIN. THICK AT NONRESIDENTIAL, MIXED-USE, AND MULTI-FAMILY RESIDENTIAL DRIVEWAYS
4. EXPANSION JOINTS: 1/2" THICK U.N.O. (SEE ALSO DRAWING RP-10)
 - a. RUBBERIZED EXPANSION JOINT FILLER (AASHTO M153, TYPE 1)
 - b. POLYPROPYLENE FOAM JOINT FILLER (ASTM D8139)
5. DETECTABLE WARNING SURFACE.
 - a. PROVIDE AT DRIVEWAYS WITH YIELD OR STOP CONTROL ONLY

Lowered Concrete Drive without Grass Strip

City of Portland, TN

Standard Detail

SD-12

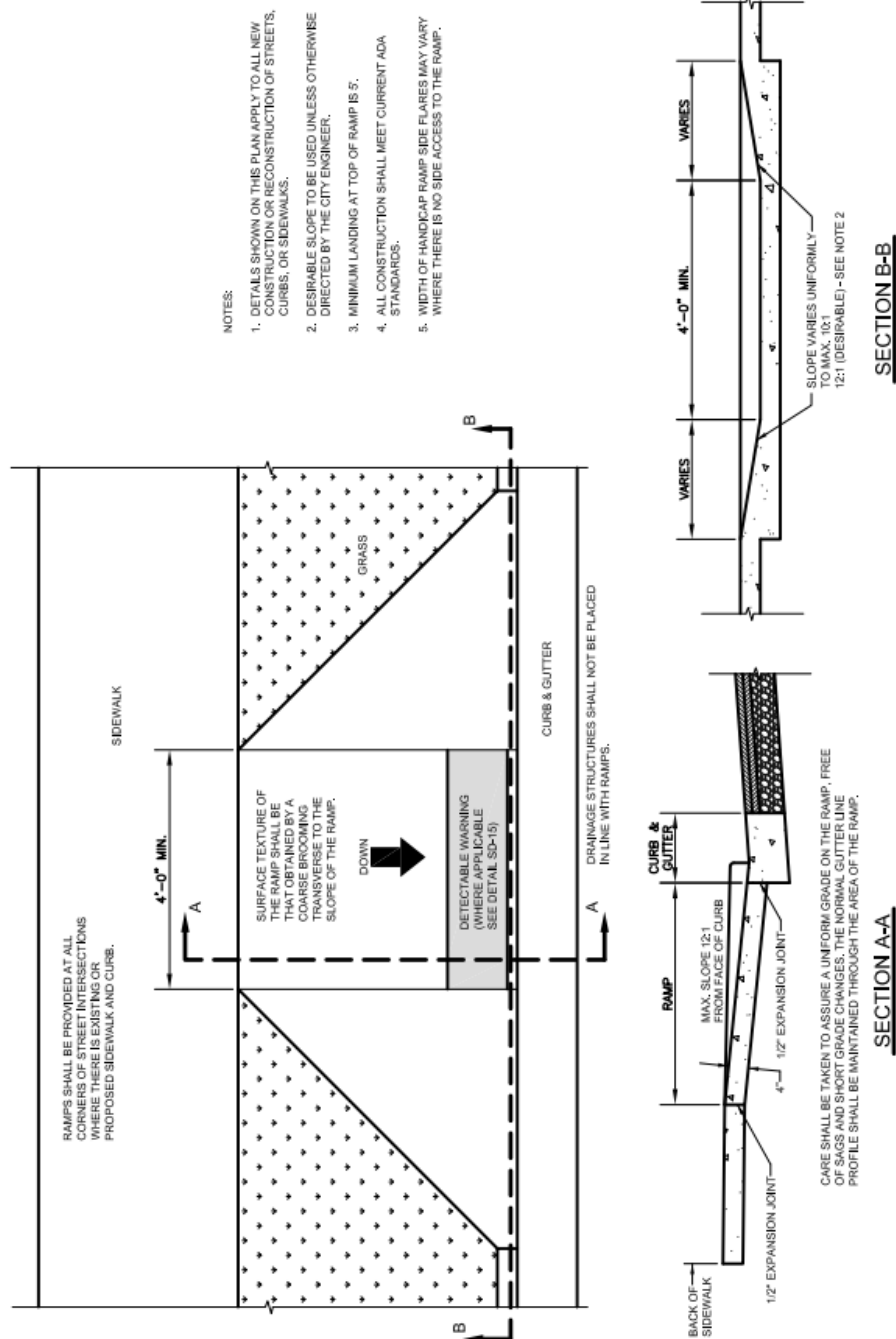


Sidewalk Detail

City of Portland, TN

Standard Detail

SD-13

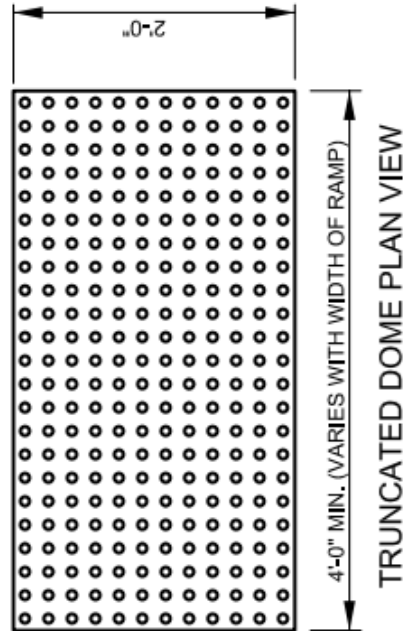


Handicap Ramp		
City of Portland, TN	Standard Detail	SD-14

- NOTES:
1. DETECTABLE WARNINGS SHALL BE INSTALLED PER MANUFACTURERS SPECIFICATIONS.
 2. WIDTH OF DETECTABLE WARNING AREA SHALL BE A MINIMUM OF 4 FEET AND VARY WITH WIDTH OF RAMP.
 3. LENGTH OF DETECTABLE WARNING AREA SHALL BE 2 FEET REGARDLESS OF SECTION WIDTH.
 4. DETECTABLE WARNING DOMES SHALL BE ALIGNED ON A SQUARE GRID IN THE PREDOMINANT DIRECTION OF TRAVEL TO PERMIT WHEELS TO ROLL BETWEEN THE DOMES.
 5. THE MATERIAL USED TO PROVIDE CONTRAST SHALL BE AN INTEGRAL PART OF THE WALKING SURFACE.
 6. DETECTABLE WARNINGS USED ON INTERIOR SURFACES SHALL DIFFER FROM ADJOINING WALKING SURFACES IN RESILIENCY OR SOUND-ON-CANE CONTACT.
 7. THE MATERIAL USED TO PROVIDE CONTRAST SHOULD CONTRAST BY AT LEAST 70%. CONTRAST IN PERCENT IS DETERMINED BY:

$$\text{CONTRAST} = [(B1-B2)/B1] \times 100$$

WHERE B1 = LIGHT REFLECTANCE VALUE (LRV) OF THE LIGHTER AREA AND B2 = LIGHT REFLECTANCE VALUE (LRV) OF THE DARKER AREA.
 (NOTE THAT IN ANY APPLICATION BOTH WHITE AND BLACK ARE NEVER ABSOLUTE: THUS, B1 NEVER EQUALS 100 AND B2 IS ALWAYS GREATER THAN 0.
 8. ALL MATERIALS AND WORKMANSHIP SHALL MEET CURRENT ADA REQUIREMENTS.



Detectable Warning (Tuncated Dome)

City of Portland, TN

Standard Detail

SD-15